

Board of Commissioners' Agenda

August 15, 2023

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 1, 2023 Special Meeting Minutes](#)
- [Approval of August 1, 2023 Briefing Meeting Minutes](#)
- [Approval of August 1, 2023 Special Meeting Minutes - Closed Session](#)
- [Approval of August 1, 2023 Regular Meeting Minutes](#)
- Resolution Awarding a Service Firearm to a Retiring Deputy of the Buncombe County Sheriff's Department
 - [Phillip Engle](#)
 - [Michael Petty](#)
 - [Chad Edwards](#)
- [Approval Tourism Development Authority Administrative Collection Agreement](#)
 - [Agreement](#)
- [Approval of Revised Juvenile Crime Prevention Council \(JCPC\) Funding Plan](#)
 - [Funding Plan](#)
- [Resolution Approving the Acquisition & Use of the DS950 High Speed Scanners & the EVS 6.3.0 Software Upgrade](#)
 - [Resolution](#)

- [Budget Amendment for BCS - North Buncombe High School Softball Field Upgrades Design](#)
 - [Ordinance](#)
 - [More Information](#)
- [Budget Amendment for Public Health - Healthy Communities Additional Funding](#)
 - [Ordinance](#)
- [Budget Amendment for Public Health - WNC Health Network for COVID-19 & Influenza Vaccine Uptake Initiative](#)
 - [Ordinance](#)

Public Comment

[▲top](#)

Good News [▲top](#)

- [2023 Governor's Volunteer Service Award](#)
- [Creative Equity Mural Project Update](#)
 - [More Information](#)

Presentations [▲top](#)

- [Strategic Partnership Grants Committee](#)
 - [More Information](#)
- [CDBG-NR Quarterly Update](#)
 - [More Information](#)
- [Affordable Parking Program Update](#)
 - [More Information](#)

Public Hearings [▲top](#)

- [Long Shoals Business Center Rezoning Request - ZPH2023-00019](#)
 - [Staff Analysis & Information](#)
 - [Planning Board Resolution](#)
 - [Approve Ordinance](#)
 - [Deny Resolution](#)
 - [Maps](#)
 - [More Information](#)
 - [Supplemental Information from Applicant](#)

- [Warren Wilson Rezoning Request - ZPH2023-00021](#)
 - [Staff Analysis & Information](#)
 - [Planning Board Resolution](#)
 - [Approve Ordinance](#)
 - [Deny Resolution](#)
 - [Maps](#)
 - [More Information](#)
 - [Supplemental Information from Applicant](#)

County Manager's Report

▲top

Old Business

▲top

New Business ▲top

- [Approval of Child Protective Services Investigations Situational Overview/Recommendations and Recruitment Incentive](#)
 - [Resolution Authorizing the Use of Incentive Pay for Specific Position Classifications in the Health and Human Services Department and Recruitment Referral Payments to Existing Employees](#)

- [More Information](#)
- [General Electric Healthcare Finance Service LLC’S Tax Refund Request](#)
 - [Denying Resolution](#)
 - [Granting Resolution](#)
 - [More Information](#)

Board Appointments

- Historic Resources Commission
 - Sioux Oliva
- Health & Human Services Board
 - David Thompson
 - Steven Valeika
 - Linda Weldon
- Homeless Initiative Advisory Committee
 - Lacy Hoyle

Reports on Boards and Commissions▲top

Announcements ▲top

- September 5 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- September 5 @ 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 15, 2023 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 15, 2023, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

- The Chairman called the meeting to order with the following members present:
- Brownie Newman, Chairman
 - Jasmine Beach-Ferrara, Commissioner
 - Amanda Edwards, Commissioner
 - Martin Moore, Commissioner
 - Terri Wells, Vice Chair
 - Al Whitesides, Commissioner

Parker Sloan, Commissioner, was absent from the meeting.

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Mason Scott, Interim Finance Director; John Hudson, Budget Director; Sharon Burke, Human Resources Director; Keith Miller, Tax Assessor; Stoney Blevins, Health & Human Services Director; Rachael Nygaard, Strategic Partnerships Director; Tim Love, Intergovernmental Relations; Nathan Pennington, Planning Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

- Approval of August 1, 2023 Special Meeting Minutes
- Approval of August 1, 2023 Briefing Meeting Minutes
- Approval of August 1, 2023 Special Meeting Minutes - Closed Session
- Approval of August 1, 2023 Regular Meeting Minutes
- Resolution Awarding a Service Firearm to a Retiring Deputy of the Buncombe County Sheriff's Department
 - Phillip Engle
 - Michael Petty
 - Chad Edwards
- Approval Tourism Development Authority Administrative Collection Agreement
 - Agreement
- Approval of Revised Juvenile Crime Prevention Council (JCPC) Funding Plan
 - Funding Plan
- Resolution Approving the Acquisition & Use of the DS950 High Speed Scanners & the EVS 6.3.0 Software Upgrade
 - Resolution
- Budget Amendment for BCS - North Buncombe High School Softball Field Upgrades Design
 - Ordinance
 - More Information
- Budget Amendment for Public Health - Healthy Communities Additional Funding
 - Ordinance
- Budget Amendment for Public Health - WNC Health Network for COVID-19 & Influenza Vaccine Uptake Initiative
 - Ordinance

PUBLIC COMMENT

- Andrew Clark expressed support for veterans, Sheriff Quentin Miller, Veterans’ Treatment Court, and the VA Hospital.
- Jen Hampton expressed her support for the Affordable Parking program.
- Anthony Pena` provided information on Long Covid and its effects.

GOOD NEWS

- **2023 Governor’s Volunteer Service Award**

Jennifer Aviles, Administrative Coordinator, acknowledged and congratulated the winners of the award for their true spirit of volunteerism. The winner recipients were Land of Sky Realtors and Charlie and Tricia Frank.
- **Creative Equity Mural Project Update**

Rachael Nygaard, Strategic Partnerships Director, provided an update to project and introduced some of the artists.

PRESENTATIONS

- **Strategic Partnership Grants Committee**

Ray Hemachandra and Amy Russell, committee members, provided an update to the Commissioners on the past year events, upcoming timeline, and thanked the Strategic Partnership Grants staff for their support and guidance.

- **CDBG-NR Quarterly Update**

Nancy Williams, Planning, explained and presented the second quarter update that will prioritize home repair for low and moderate-income homeowners.

- **Affordable Parking Program Update**

Tim Love, Intergovernmental Relations, updated the Board on the recently approved program. Staff is moving towards a first-come, first-served model and will increase marketing. Additionally, staff has reviewed parking trends at the College Street parking garage and will add 50 parking spots to the program. The program will provide a reduced rate of \$40 per month to individuals that purchase a monthly parking pass and are of low to moderate income.

PUBLIC HEARINGS

- **Long Shoals Business Center Rezoning Request - ZPH2023-00019**

Haylee Madfis, Planning, presented the rezoning request, stated that the request was consistent with the comprehensive land use plan and was unanimously approved by the Planning Board. The property would move from NS (Neighborhood Service District) to CS (Commercial Service District) at 565 Long Shoals Road, Arden. The total acreage of the one parcel property is 4.97.

The Chairman opened the hearing at 6:10 p.m.

Li Yueh Hu, the landowner, expressed support for the rezoning request.

The hearing was closed at 6:11 p.m.

Chairman Newman moved to approve the rezoning request. Vice Chair Wells seconded the motion and it passed 6-0.

- **Warren Wilson Rezoning Request - ZPH2023-00021**

Shannon Capezzali, Planning, presented the rezoning request, stated that the request was consistent with the comprehensive land use plan and was unanimously approved by the Planning Board. The property would move from R-2 (Residential District) to PS (Public Service District) at 111 Upper College Road, Swannanoa. The total acreage of the one parcel property is 4.5.

The Chairman opened the hearing at 6:15 p.m.

The hearing was closed at 6:16 p.m.

Commissioner Whitesides moved to approve the rezoning request. Commissioner Edwards seconded the motion and it passed 6-0.

NEW BUSINESS

- **Approval of Child Protective Services Investigations Situational Overview/Recommendations and Recruitment Incentive**

Sharon Burke, Human Resources Director, stated that Child Protective Services – Investigations is suffering from a shortage of qualified Investigative Assessment & Treatment Social Workers and explained the staffing recommendations to address several issues, with no additional County funds needed.

Vice Chair Wells moved to approve temporary allowance for IATSWs and Supervisors in the Child Protective Services – Investigations Program of \$200 per pay period until a classification review can be conducted and approved with the Fiscal Year 2025 pay plan or until 76% (22 out of 29) of positions are filled and pre-service training is complete and the Recruitment Incentive for existing employees, who recruit new hires into CPS – Investigations, Public Safety Communications (911) Dispatchers, and Detention Facility Officers to a maximum of \$750 per employee recruited. Commissioner Beach-Ferrara seconded and the motion passed 6-0.

- **General Electric Healthcare Finance Service LLC'S Tax Refund Request**

Curt Euler, Senior Staff Attorney, stated that General Electric (GE) is seeking a tax refund for tangible personal property (TPP), it claims, that were erroneously paid due to an illegal tax in the amount of \$279,990 for tax years 2019 and 2020. GE claims that County taxed the same TPP twice, resulting in double taxation and constituted an illegal tax. In North Carolina, an illegal tax is a tax imposed by the taxing authority without authority or taxing a property with a valid exemption. The County is allowed to tax tangible personal property. Furthermore, there is no statute or Appellate Court case that

expressly prohibits double taxation based on a taxpayer’s listing error for real or personal property. Additionally, overassessment is not one of the three valid defenses pursuant to N.C. Gen. Stat. § 105-381(a)(1). Staff recommends that the Commissioners deny GE’s refund request. GE’s representative provided information to their position for the refund request.

Commissioner Beach-Ferrara moved to deny GE’s refund request. Commissioner Moore seconded and the motion passed 5-1 (NOES-Newman).

BOARD APPOINTMENTS

Commissioner Beach-Ferrara moved to reappoint **Sioux Oliva** to the **Historic Resources Commission**. Commissioner Whitesides seconded and the motion passed 6-0.

Commission Moore moved to reappoint **David Thompson** (Community member), **Steven Valeika** (Veterinarian), and **Linda Weldon** (Nurse) to the **Health & Human Services Board**. Commissioner Edwards seconded and the motion passed 6-0.

Commissioner Beach-Ferrara moved to appoint **Lacy Hoyle** to the **Homeless Initiative Advisory Committee**. Commissioner Whitesides seconded and the motion passed 6-0.

REPORTS ON BOARDS AND COMMISSIONS

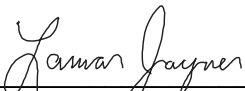
The Commissioners discussed the recent activities of the boards and commissioners that they serve on as members.

ANNOUNCEMENTS

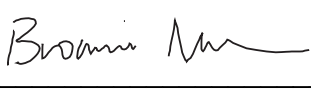
The Chairman made the following announcements:

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

Commissioner Edwards moved to adjourn the meeting. Commissioner Whitesides seconded and the motion passed 6-0. The meeting was adjourned at 6:56 p.m.



LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS



BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS

RESOLUTION #23-08-03

RESOLUTION AWARDING A SERVICE FIREARM TO A RETIRING
DEPUTY OF THE BUNCOMBE COUNTY SHERIFF’S OFFICE

WHEREAS, Phillip Engle is retiring from the Buncombe County Sheriff’s Office after 20 years of service; and

WHEREAS, N.C. Gen. Stat. § 20-187.2 authorizes boards of county commissioners to award to a retiring member of a law-enforcement agency with countywide jurisdiction, such as a sheriff’s office, or surviving relatives of such a member, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired.

WHEREAS, it is the practice of this Board to provide a member of the Buncombe County Sheriff’s Office who retires through the North Carolina Local Government Retirement System with ten (10) or more years of service with said Office, or who retires due to medical disability, and who meets the qualifications of N.C. Gen. Stat. § 20-187.2, with the service side arm used by the member at the time of the member’s retirement at a price of zero (\$0) dollars; and

WHEREAS, this board finds that the individual named above carried, at the time of the individual’s retirement, a service side arm more particularly described as a ___Glock Model 17 (*for example: Glock Model 17*), serial number RSV151, and that the individual named above has requested and is entitled to receive said service side arm in working order at a price fixed by this Board.

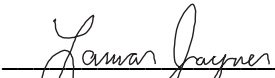
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

- 1. That pursuant to N.C. Gen. Stat. § 20-187.2, the individual named above is hereby awarded the service side arm descried above for a price of zero (\$0) dollars.
- 2. That the County Manager or her designee is authorized to undertake any action(s) necessary to transfer the service side arm descried above to the individual named above.
- 3. That this resolution shall become effective upon its adoption.

This the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

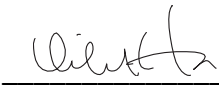


Lamar Joyner, Clerk

By: 

Brownie Newman, Chair

APPROVED AS TO FORM



County Attorney

RESOLUTION # 23-08-04

RESOLUTION AWARDING A SERVICE FIREARM TO A RETIRING
DEPUTY OF THE BUNCOMBE COUNTY SHERIFF’S OFFICE

WHEREAS, Michael Petty is retiring from the Buncombe County Sheriff’s Office after 30 years of service; and

WHEREAS, N.C. Gen. Stat. § 20-187.2 authorizes boards of county commissioners to award to a retiring member of a law-enforcement agency with countywide jurisdiction, such as a sheriff’s office, or surviving relatives of such a member, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired.

WHEREAS, it is the practice of this Board to provide a member of the Buncombe County Sheriff’s Office who retires through the North Carolina Local Government Retirement System with ten (10) or more years of service with said Office, or who retires due to medical disability, and who meets the qualifications of N.C. Gen. Stat. § 20-187.2, with the service side arm used by the member at the time of the member’s retirement at a price of zero (\$0) dollars; and

WHEREAS, this board finds that the individual named above carried, at the time of the individual’s retirement, a service side arm more particularly described as a ___Glock Model 17 (*for example: Glock Model 17*), serial number SLR474, and that the individual named above has requested and is entitled to receive said service side arm in working order at a price fixed by this Board.

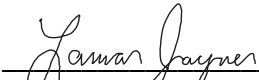
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

- 1. That pursuant to N.C. Gen. Stat. § 20-187.2, the individual named above is hereby awarded the service side arm descried above for a price of zero (\$0) dollars.
- 2. That the County Manager or her designee is authorized to undertake any action(s) necessary to transfer the service side arm descried above to the individual named above.
- 3. That this resolution shall become effective upon its adoption.

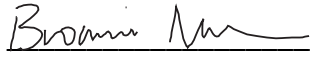
This the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

By: 

Brownie Newman, Chair

APPROVED AS TO FORM



County Attorney

RESOLUTION # 23-08-05

RESOLUTION AWARDING A SERVICE FIREARM TO A RETIRING
DEPUTY OF THE BUNCOMBE COUNTY SHERIFF’S OFFICE

WHEREAS, Chad Edwards is retiring from the Buncombe County Sheriff’s Office after 27 years of service; and

WHEREAS, N.C. Gen. Stat. § 20-187.2 authorizes boards of county commissioners to award to a retiring member of a law-enforcement agency with countywide jurisdiction, such as a sheriff’s office, or surviving relatives of such a member, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired.

WHEREAS, it is the practice of this Board to provide a member of the Buncombe County Sheriff’s Office who retires through the North Carolina Local Government Retirement System with ten (10) or more years of service with said Office, or who retires due to medical disability, and who meets the qualifications of N.C. Gen. Stat. § 20-187.2, with the service side arm used by the member at the time of the member’s retirement at a price of zero (\$0) dollars; and

WHEREAS, this board finds that the individual named above carried, at the time of the individual’s retirement, a service side arm more particularly described as a ___Glock Model 17 (*for example: Glock Model 17*), serial number SVN699, and that the individual named above has requested and is entitled to receive said service side arm in working order at a price fixed by this Board.

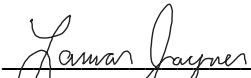
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

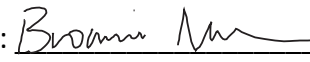
- 1. That pursuant to N.C. Gen. Stat. § 20-187.2, the individual named above is hereby awarded the service side arm descried above for a price of zero (\$0) dollars.
- 2. That the County Manager or her designee is authorized to undertake any action(s) necessary to transfer the service side arm descried above to the individual named above.
- 3. That this resolution shall become effective upon its adoption.

This the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE


Lamar Joyner, Clerk

By: 
Brownie Newman, Chair

APPROVED AS TO FORM


County Attorney



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

Consent Agenda

Department: County Manager

Presenter(s): Timothy Love, Intergovernmental Relations

Contact(s): Timothy Love

Subject: BCTDA Administrative Collection Agreement

Brief Summary: Buncombe County provides certain services to the BCTDA, including administering the room occupancy tax and serving as the ex officio finance officer of the TDA. Additionally, the County provides other support services, not mandated by statute, to Explore Asheville including processing its employee payroll and Human Resources management associated with payroll. Consistent with its statutory authority, the County will charge the TDA five percent (5%) of the gross proceeds of the occupancy tax collected or accrued each fiscal year, and the five percent (5%) shall be retained by the County as compensation for the Statutory Services and Contractual Services provided.

Recommended Motion & Requested Action: Approve the agreement.

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

STATE OF NORTH CAROLINA

SERVICE CONTRACT

COUNTY OF BUNCOMBE

THIS SERVICES CONTRACT, made and entered into this _____ day of _____, 2023, by and between the Buncombe County, a body politic and existing under the laws of the State of North Carolina (hereinafter sometimes referred to as "County"), and Buncombe County Tourism Development Authority, a North Carolina nonprofit corporation (hereinafter sometimes referred to as "Explore Asheville").

RECITALS:

WHEREAS, in accordance with Part VI, Section 22 of Chapter 908, House Bill No. 426, ratified by the North Carolina General Assembly, the Buncombe County Board of Commissioners, after due notice and public hearing, passed a resolution creating the Buncombe County Tourism Development Authority ("TDA") in August 1983 immediately following the County's imposition and levy of its room occupancy tax;

WHEREAS, Explore Asheville is the non-profit entity that employs the employees who carry out the mission of the TDA and Explore Asheville;

WHEREAS, pursuant to North Carolina Statutes, the County provides certain services to the TDA, including, but not limited to, administering the room occupancy tax it levies and providing its finance officer to serve as the ex officio finance officer of the TDA, ensuring its compliance as a public authority with the Local Government Budget and Fiscal Control Act (such services referred to herein as the "Statutory Services");

WHEREAS, the County provides other support services, not mandated by statute, to Explore Asheville including processing its employee payroll and Human Resources management associated with payroll (such services referred to herein as the "Contractual Services").

NOW THEREFORE, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the mutual agreements contained herein, the parties hereto do covenant and agree as follows:

I. TERMS AND CONDITIONS.

1. The Contractual Services shall include:
 - a. Processing Explore Asheville's employee payroll according to personnel, benefit, and time entry information provided by Explore Asheville in accordance with the roles and responsibilities set forth in the Appendix incorporated herein by reference; and
 - b. Oversee TDA Accounts Payable, including processing of payments and creation of checks.

Nothing herein regarding the Contractual Services shall in any way affect the provision of the Statutory Services.

2. Consistent with its statutory authority, the County will charge and the TDA will compensate the County in an amount equal to five percent (5%) of the gross proceeds of the occupancy tax collected or accrued each fiscal year, and which five percent (5%) shall be retained by the County from the gross proceeds collected, as compensation for all of the Statutory Services and Contractual Services provided.
3. The County will provide to the TDA a monthly account of its receipts and disbursements of the occupancy tax and such other financial information as the TDA may reasonably request.
4. Independent Contractor. In all matters relating to or concerning this agreement, County, its agents, contractors, subcontractors and other representatives are, and shall act as, independent parties acting within their own means and on their own behalf. County, its agents, contractors, subcontractors and other representatives, respectively, are not employees of Explore Asheville. Nothing contained in this agreement shall be construed to establish a joint venture or partnership between Explore Asheville and County, its agents, contractors, subcontractors or other representatives.
5. Explore Asheville shall indemnify, defend and hold harmless County and its subsidiaries, divisions, officers, directors and employees from all liability, loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of County or any employee, agent or assign of the County in the provision of the Contractual Services. Explore Asheville shall indemnify the County in the provision of the Contractual Services, except where the County causes an injury to Explore Asheville or its employee by some negligent act or omission. Nothing herein shall be construed as a waiver on the part of the County to any defense of any claim, including, but not limited to the defense of governmental immunity. Nothing herein shall be construed as providing any indemnity to County in the provision of the Statutory Services.
6. Term of Agreement. The term of the agreement shall begin on July 1, 2023 and end on June 30, 2024.
7. Renewal Terms. Provided the parties have complied with all terms, conditions, and provisions of this Agreement then the Agreement will automatically renew for successive terms of one (1) each on the same terms and conditions as set forth herein.

II. GENERAL MATTERS.

1. **Notice.** The parties hereby acknowledge that all notices provided for in this agreement shall be in writing and shall be deemed to be given when sent by registered or certified mail, return receipt requested, facsimile transmission or overnight delivery addressed:

To County: Buncombe County Government
County Manager
200 College Street

Suite 300
Asheville, NC 28805

To TDA: Buncombe County Tourism Development Authority
President and CEO
27 College Place
Asheville, North Carolina 28801

Any party hereto may from time to time, by notices herein provided, designate a different address to which notices to it shall be sent.

2. **Governing Law.** This contract shall be governed by the laws of the State of North Carolina and should any claim or dispute arise between the parties that cannot be resolved amicably then any action to enforce or interpret its terms shall be brought in the General Court of Justice of Buncombe County, North Carolina which shall have venue and jurisdiction over the subject matter and the parties. All rights and remedies of County under this agreement shall be cumulative and none shall exclude any other rights or remedies allowed by law or by equity. The Parties hereby agree that this paragraph establishes exclusive and sole jurisdiction for any legal proceeding in Buncombe County, North Carolina.
3. **Severability.** Should any provision or provisions contained in this agreement be declared by a court of competent jurisdiction to be void, unenforceable or illegal, such provision or provisions shall be severable and the remaining provisions hereof shall remain in full force and effect.
4. **Entirety.** This contract contains the entire agreement of the parties with respect to the subject matter hereof and may not be modified, except by an instrument in writing and signed by both parties. This contract supersedes and cancels all prior agreements between the parties as to the subject matter hereof.
5. **Execution.** The individual signatories below have the expressed and implied authority on behalf of their respective Boards to execute this Agreement. The Parties may execute this Agreement in separate counterparts and the execution of a copy shall have the same effect as the execution of an original. Such execution may be by facsimile or PDF attachment to an email.

IN WITNESS WHEREOF, the parties have caused this Service Contract to be executed in their respective names by their duly authorized officers, all as of the date first above written.

Buncombe County

Avril Pinder, County Manager

Date: _____

Buncombe County Tourism Development Authority, a non-profit corporation d/b/a Explore Asheville

Name:

Title:

Date: _____

This instrument has been preaudited in the manner
required by the Local Government Budget and Fiscal Control Act.

Mason Scott, Interim Finance Director

Appendix – Roles and Responsibilities

Roles and responsibilities are identified below.

1. Buncombe County will provide limited information technology support related to process configuration; report development and maintenance; and initiation of certain transactions (e.g., budget amendments) in the County's enterprise resource planning (ERP) system where TDA and/or Explore Asheville does not have system access to complete such work based on the discretion of the County.
2. Explore Asheville will be responsible for providing all employee information required by County for payroll and HR services (e.g., SSN, name, hire date, salary, bank account, etc.) and benefit information (e.g., plan, administrator, employees affected, start and stop dates, rates). Explore Asheville will provide County with any personnel and employee changes that occur during the normal course of business.
3. Explore Asheville will provide County with bi-weekly timecard information.
4. The County will enter the time information and make a salary report available for review by Explore Asheville before payments are issued.
5. Explore Asheville will be responsible for reviewing the payroll information prepared by County and communicating any necessary corrections before the County proceeds to issue payments.
6. The County will be responsible for making the changes to employee records and benefit plans per Explore Asheville instructions, paying Explore Asheville employees on a bi-weekly schedule for the time reported, providing payments, information files and any other pieces of information necessary for the benefit administrators, and providing accurate, timely and effective payroll reports to management.
7. Explore Asheville will maintain complete control over its employees' conduct and County will disburse payrolls as a service only to Explore Asheville, and that Explore Asheville will continue to operate all other aspects of its functions as an independent entity in accordance with the terms herein and the Statutory Services.



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/15/2023

Consent Agenda

Department: Justice Services

Presenter(s): Hannah Legerton

Contact(s): Hannah Legerton, Youth Justice Division Manager

Subject: Approval of Updated JCPC FY 2023-2024 County Funding Plan

Brief Summary: The [Juvenile Crime Prevention Council \(JCPC\)](#) receives funds from NC Department of Public Safety's Division of Juvenile Justice to allocate to community-based interventions for youth involved, or at risk of involvement, in the juvenile justice system. NCDPS requires JCPCs to submit annual County Funding Plans; a previous FY23-24 version was approved on [June 20, 2023](#).

There are two minor revisions in the attached updated plan:

- Buncombe Structured Day reduced the amount of in-kind match with their final submission to meet the required amount of local match for their allocated JCPC funding. This adjustment was submitted just after the initial 23-24 CFP was approved.
- Buncombe County Youth Justice Clinical Program's match amount has been moved to the "County Cash Match" column to correct an error as it was previously listed in "Local Cash Match." The match amount is already a part of the approved county budget.

No changes have been made to JCPC funding allocations or County funding amounts. The JCPC has completed necessary requirements and is in compliance per JCPC policies.

Recommended Motion & Requested Action: Approve the attached updated JCPC County Funding Plan.

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

Buncombe County

NC DPS - Community Programs - County Funding Plan

Available Funds: \$ \$644,477 Local Match: \$ \$212,336 Rate: 30%

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% NOT DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In- Kind	State/ Federal	Funds		
1	JCPC Administration	\$10,000						\$10,000	
2	Teen Court	\$96,799			\$29,600			\$126,399	23%
3	Earn and Learn	\$207,021			\$63,400			\$270,421	23%
4	Aspire Kids at Work & The Connection	\$105,549			\$40,073			\$145,622	28%
5	PIVOTPoint	\$84,858		\$25,457				\$110,315	23%
6	Buncombe Structured Day	\$66,893			\$20,225			\$87,118	23%
7	Buncombe County Youth Justice Clinical Program	\$73,357	\$33,581					\$106,938	31%
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
	TOTALS:	\$644,477	\$33,581	\$25,457	\$153,298			\$856,813	25%

The above plan was derived through a planning process by the Buncombe County
Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2023-2024.

Amount of Unallocated Funds _____

Amount of funds reverted back to DPS _____

Discretionary Funds added _____

check type ☐ initial plan ☐ update ☐ final

-----DPS Use Only-----

Reviewed by _____
Area Consultant Date

Reviewed by _____
Program Assistant Date

Verified by _____
Designated State Office Staff Date

Chairperson, Juvenile Crime Prevention Council (Date)

Chairperson, Board of County Commissioners (Date)
or County Finance Officer



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

Consent Agenda

Department: Election Services

Presenter(s): Corinne Duncan, Election Services Director

Contact(s): Corinne Duncan, Jake Quinn, BOE Chair, & Curt Euler, Legal

Subject: Resolution Approving the Acquisition & Use of the DS950 High Speed Scanners & the EVS 6.3.0 Software Upgrade

Brief Summary: The State Board of Elections has certified new voting equipment. This includes the 2 high speed scanners (DS950s) used for absentee-by-mail and recounts for which budget has been approved. These machines require a software upgrade of all of our equipment to EVS6.3.0.0. The State Board of Elections is classifying this upgrade as a new election system which requires Commissioner approval for use. The Board of Elections witnessed a demonstration of the equipment and approved the recommendation to adopt on August 14, 2023 as required by GS163-165.8. An election simulation is scheduled for August 16th, 2023.

Recommended Motion & Requested Action: Approve the use of the DS950 High Speed Scanner and EVS6.3.0.0 Software Upgrade in Buncombe County contingent upon successful completion of election simulation.

County Manager's comments and Recommendation: Recommends approval.

RESOLUTION NO. 23-08-06

A RESOLUTION APPROVING THE ACQUISITION AND USE OF THE DS950 HIGH SPEED SCANNERS
AND THE EVS 6.3.0 SOFTWARE UPGRADE IN BUNCOMBE COUNTY, NORTH CAROLINA.

WHEREAS, pursuant to N.C. Gen. Stat. § 163-165.8, the Buncombe County Board of Commissioners may acquire and adopt a voting system, certified by the State Board of Elections, for use in all voting places in Buncombe County.

WHEREAS, Buncombe County Elections Services Staff is recommending to the Board two (2) DS950 high speed scanners and a software upgrade for all equipment to EVS 6.3.0.0 (herein "Voting System") during early voting in Buncombe County.

WHEREAS, the Voting System is certified by the North Carolina State Board of Elections;
and

WHEREAS, on August 15, 2023, the Buncombe County Board of Elections approved the acquisition and adoption of the Voting System for use during early voting in Buncombe County.

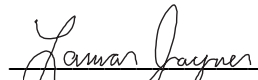
WHEREAS, in accordance with N.C. Gen. Stat. § 163-165.8, the Board of Commissioners wish to approve the use of the Voting System during early voting in Buncombe County.

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

1. That the Board of Commissioners approve the acquisition and use of the Voting System during early voting in Buncombe County.
2. That this resolution shall be effective on August 17, 2023.

This the 15th day of August 2023.

ATTEST


Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF
BUNCOMBE

By: 
Brownie Newman, Chairman

APPROVED AS TO FORM


County Attorney



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: August 15, 2023

Consent Agenda

Department: Budget

Presenter(s): John Hudson, Budget

Contact(s): Dr. Robert Jackson, Buncombe County Schools
John Hudson, Budget

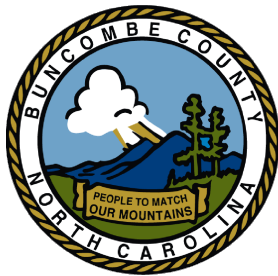
Subject: Budget Amendment for BCS - NBHS Softball Field Upgrades Design

Brief Summary: On June 6th, the Board of Commissioners approved submission of a project for North Buncombe High School Softball Field Upgrades (BCS) to the Public School Building Capital Fund - NC Education Lottery. While the project request totalled \$725,000, the Department of Public Instruction has approved funding, specifically for design, in the amount of \$50,000.

Recommended Motion & Requested Action: Support and approve this request

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

ORDINANCE #23-08-07



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

BOARD MEETING DATE: August 15, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2023-2024 Public School ADM 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 FY2023-2024 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 15th day of August, 2023

Project Name: BCS - NBHS Softball Field Upgrades - DESIGN

Description:

On June 6th, the Board of Commissioners approved submission of a project for softball field upgrades for North Buncombe High School (BCS) to the Public School Building Capital Fund - NC Education Lottery. Design funds in the amount of \$50,000 were approved by the Department of Public Instruction. This amendment adopts this project.

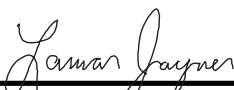
Funding Source:

NC Education Lottery Funding - Public School Building Capital Fund

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
BCS - NBHS Softball Field Upgrades - DESIGN	\$ 50,000	\$ 50,000
TOTAL	\$ 50,000	\$ 50,000

ATTEST:

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


Clerk to the Board

By: 
Chairman of the Board



NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*

www.dpi.nc.gov

July 27, 2023

MEMORANDUM

Page 1

To: Mason Scott mason.scott@buncombecounty.org
Buncombe County

Tina Thorpe tina.thorpe@bcsemail.org
Buncombe County Schools

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

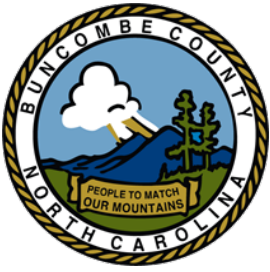
The below listed Application(s) have been approved for transferring the following funds from the North Carolina Education Lottery Fund through the ADM Fund / Public School Building Capital Fund, the Needs-Based Lottery Fund, and/or the Repair and Renovation Lottery Fund:

	<u>Project Title</u>	<u>ADM Fund</u>	<u>Lottery Fund</u>	<u>Needs Based Lottery Fund</u>	<u>RR Lottery Fund</u>
1.	North Buncombe HS - Softball field upgrades - DESIGN	\$0.00	\$50,000.00	\$0.00	\$0.00
	Total this month:	<u>\$0.00</u>	<u>\$50,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

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

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

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



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: August 15, 2023

Consent Agenda

Department: Health and Human Services

Presenter(s): John Hudson, Budget

Contact(s): Ellis Matheson, Public Health Director

Subject: Additional Healthy Communities funding

Brief Summary: The state is providing funding of \$17,899 to deliver a digital media campaign focused on lesbian and bisexual women who use tobacco. Lesbian and bisexual women have particularly high smoking rates among the LGBTQ+ community in NC. These campaigns will be conducted in four counties across NC (Buncombe, Mecklenburg, New Hanover, and Wake). The campaigns will contain messages encouraging them to contact Quitline NC to help them stop smoking. Counties are required to contract with Draft Advertising to campaign images and localize the campaign to their county.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-08-08



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: August 15, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2023-2024 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 FY2023-2024 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 15th day of August, 2023

Requesting Department: Health and Human Services
Budget Amendment Item: Additional Healthy Communities funding

Description:

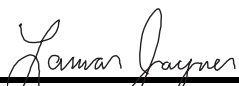
The state is providing funding of \$17,899 to deliver a digital media campaign focused on lesbian and bisexual women who use tobacco. Lesbian and bisexual women have particularly high smoking rates among the LGBTQ+ community in NC. These campaigns will be conducted in four counties across NC (Buncombe, Mecklenburg, New Hanover, and Wake). The campaigns will contain messages encouraging them to contact Quitline NC to help them stop smoking. Counties are required to contract with Draft Advertising to campaign images and localize the campaign to their county.

Funding Source: US DHHS, Centers for Disease Control and Prevention
Passed through NC DHHS

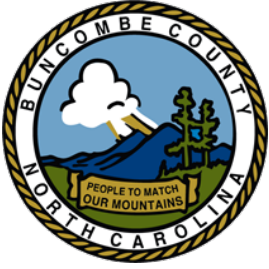
Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Restricted Intergovernmental Revenue	\$ 17,899	
Expenditures		\$ 17,899
TOTAL	\$ 17,899	\$ 17,899

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 15, 2023

Consent Agenda

Department: Health and Human Services

Presenter(s): John Hudson, Budget

Contact(s): Ellis Matheson, Public Health Director

Subject: COVID-19 and Influenza Vaccine Uptake Initiative

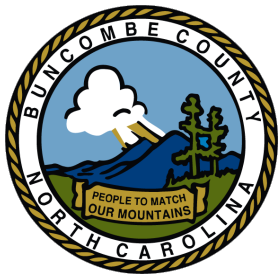
Brief Summary: The U.S. Administration for Community Living funded the Initiative for the National Council on Aging (NCOA - Non-profit) and other partners. NCOA sub-awarded a grant to WNC Health Network. Buncombe County HHS is a further sub-recipient of \$20,000.

The target populations of the Vaccine Uptake Initiative are older adults in Buncombe County, with emphasis placed on traditionally underserved populations. The funds will supplement the mobile teams vaccination efforts for these populations.

Recommended Motion & Requested Action: Accept the grant and approve the budget amendment

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

ORDINANCE #23-08-09



BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: August 15, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2023-2024 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 FY2023-2024 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 15th day of August, 2023

Granting Agency:	WNC Health Network
Grant Name:	COVID-19 and Influenza Vaccine Uptake Initiative

Description:

The U.S. Administration for Community Living funded the Initiative for the National Council on Aging (NCOA - Non-profit) and other partners. NCOA sub-awarded a grant to WNC Health Network. Buncombe County HHS is a further sub-recipient of \$20,000.

The target populations of the Vaccine Uptake Initiative are older adults in Buncombe County, with emphasis placed on traditionally underserved populations. The funds will supplement the mobile teams vaccination efforts for these populations.

Funding Source:	US Department of Health and Human Services, Administration for Community Living, passed through National Council on Aging (Non-profit) and WNC Health Network
------------------------	---

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Restricted Intergovernmental Revenue	\$ 20,000	
Expenditures		\$ 20,000
TOTAL	\$ 20,000	\$ 20,000

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: 8/15/2023

Good News

Department: County Managers

Presenter(s): Jennifer Aviles

Contact(s): Jennifer Aviles, Admin Coordinator / Avril Pinder County Manager

Subject: 2023 Governor's Volunteer Service Award

Brief Summary: Buncombe County began accepting nomination for the 2023 Governor's Volunteer Service Award in November of 2022. Volunteers are an integral part of our community, offering their time and energy to important causes often without reward or recognition. The Governor's Volunteer Service Award honors the true spirit of volunteerism by recognizing individuals, groups, and businesses that make significant contributions to their community through volunteer service. The awards program, created by the Office of the Governor in 1979, recognizes North Carolina's most dedicated volunteers. Through the years, the award honors thousands who have shown concern and compassion for their neighbors by volunteering in their local community.

On April 14, we received Buncombe County's winners and would like to take a moment to properly acknowledge our Volunteers.



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/23

Good News

Department: Strategic Partnerships

Presenter(s): Rachael Sawyer Nygaard

Contact(s): Rachael Sawyer Nygaard, Strategic Partnerships Director

Subject: Creative Equity Mural Project

Brief Summary: As part of the Creative Equity Mural Project, Buncombe County did a call for artists in fall 2022 seeking to pilot a public art program while enhancing a culture of diversity, equity and inclusion. In February 2023, Buncombe County announced awards to 3 selected artists. As of August 2023, we are celebrating the good news that 2 of these projects have been completed:

- Leslie Reynalte-Llanco has installed a mural entitled “Eros Un Orgullo Latino/You are Latin Pride” on a County-owned wall on Hilliard St. behind the Tax Office which is located at 94 Coxe Avenue.
- Gabriel Eng-Goetz has installed a mural entitled “Rebuild” on a County-owned building that houses the Register of Deeds, located at 205 College Street.



Creative Equity Mural Project

Presented by

Rachael Sawyer Nygaard

Buncombe County Strategic Partnerships

Board of Commissioners Meeting 8/15/23



Project Overview

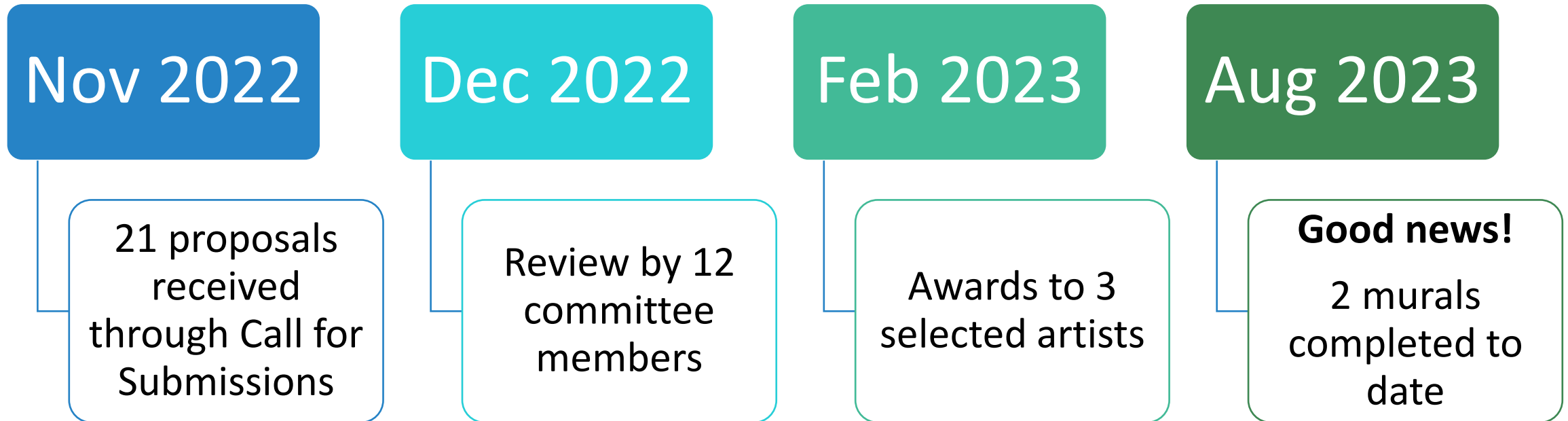
Call for artists submissions seeking original mural art to be placed on county property and/or facilities: buncombecounty.org/equitymural



Theme: Reflect the people and place of Buncombe County and incorporate concepts related to racial equity, reconciliation & restoration



Recap



Leslie Reynalte-Llanco

VOL: August 15, 2023

Page 33



SIENTO
ORGULLO DE SER
QUIEN SOY
LOUD TO BE WHO I AM

BLACK, & PROUD
LATINO

ERES
UN
ORGULLO
LATINO



Eres Un Orgullo Latino/You are Latin Pride



#EUOLMural

Gabriel Eng-Goetz

VOL: August 15, 2023

Page 35





Next up:
Jared Wheatley
& Indigenous
Walls Project,
Parking Deck at
164 College St.





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/15/2023

Presentations

Department: Strategic Partnership Grants Committee

Presenter(s): Ray Hemachandra & Amy Russell

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 15, 2023

Presenters: Ray Hemachandra, Amy Russell



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 4th funding year)



Members

Kate Burger, Chair

Doug Clark

Ray Hemachandra, Vice Chair

Mark Mickey

Cathy Ray

Kim Robinson

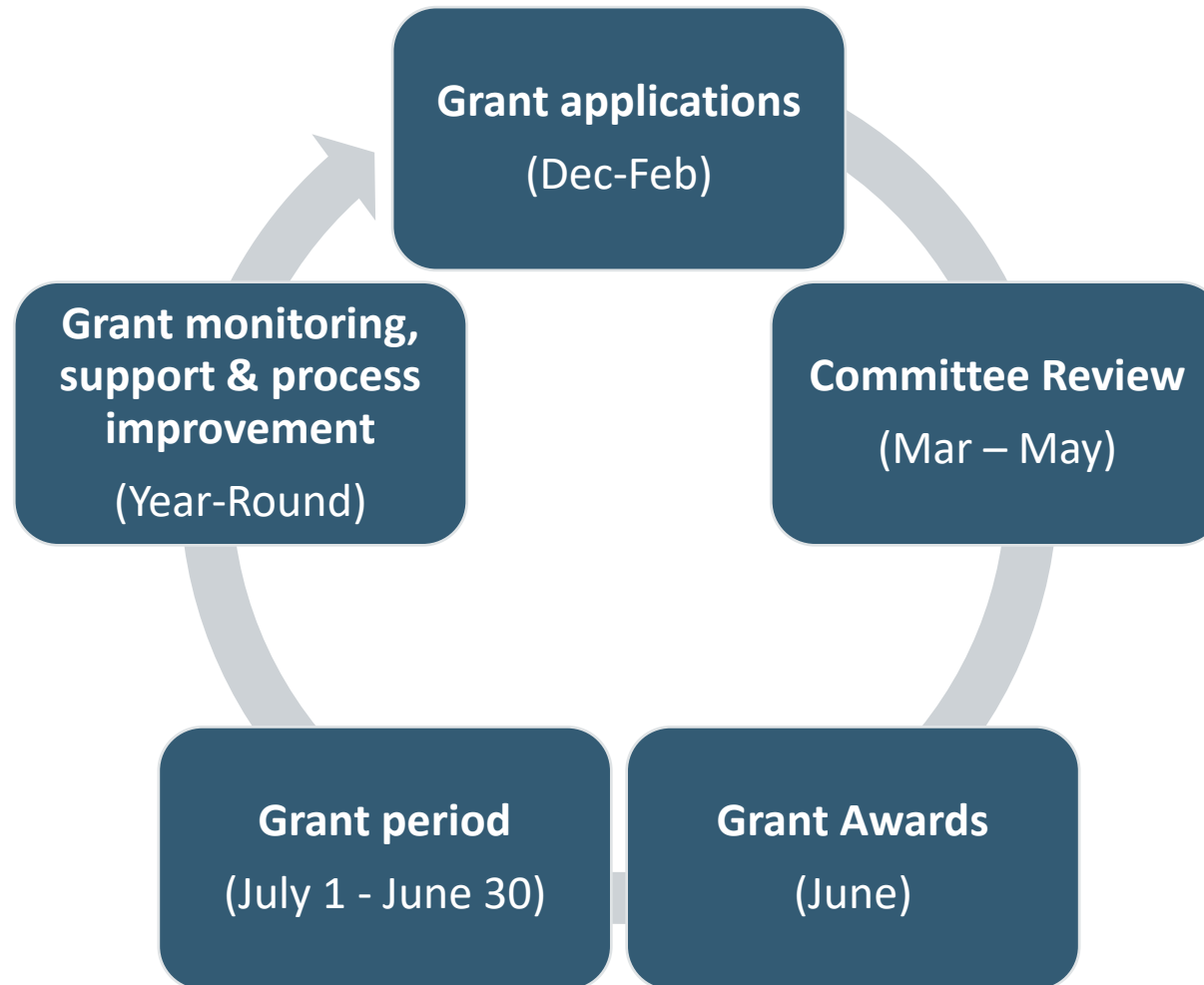
Chuck Rosenblum

Amy Russell

Elizabeth Ward, Secretary



Grant Cycle



Activities in the Past Year

July 2022	Grantee Cohort call: orientation
Sept-Dec 2022	Conducted site visits with all grantees
Jan 2023	Grant Writing Workshop
Feb – Mar 2023	Reviewed/Scored FY2024 applications
Apr 2023	Finalized FY2024 funding recommendations
June 2023	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



FY2024 Grant Requests

REQUESTED

Total Amount	\$3,254,912
# Projects	71
# Organizations	67

FUNDED

Total Amount	\$900,000
# Projects	23
# Organizations	22

3.6x

- 16 projects were renewal applications; 55 were new project proposals
- Scored based on:
 - Need for the Project
 - Project Plan
 - Proposed Results
 - Equity
 - Organizational Capacity



FY2024 Grant Awards

Education	Environment	Well-Being	Economy
<u>Requested:</u> 13 projects \$708,906	<u>Requested:</u> 6 projects \$284,896	<u>Requested:</u> 42 projects \$1,866,510	<u>Requested:</u> 10 projects \$394,600
<u>Awarded:</u> 8 projects \$358,800 <i>62% of applications funded</i>	<u>Awarded:</u> 2 projects \$35,211 <i>33% of applications funded</i>	<u>Awarded:</u> 10 projects \$375,389 <i>24% applications funded</i>	<u>Award:</u> 3 projects \$130,600 <i>30% applications funded</i>

\$900,000 Total Awarded



FY2024 Grants Awarded By Category

Educated & Capable Community \$358,800

Adult Education	\$88,000
K-12 Education	\$270,800

Environmental Stewardship \$35,211

Soil & Water Quality	\$35,211
----------------------	----------

Vibrant Economy \$130,600

Financial Wellbeing	\$60,600
Small Business	\$70,000

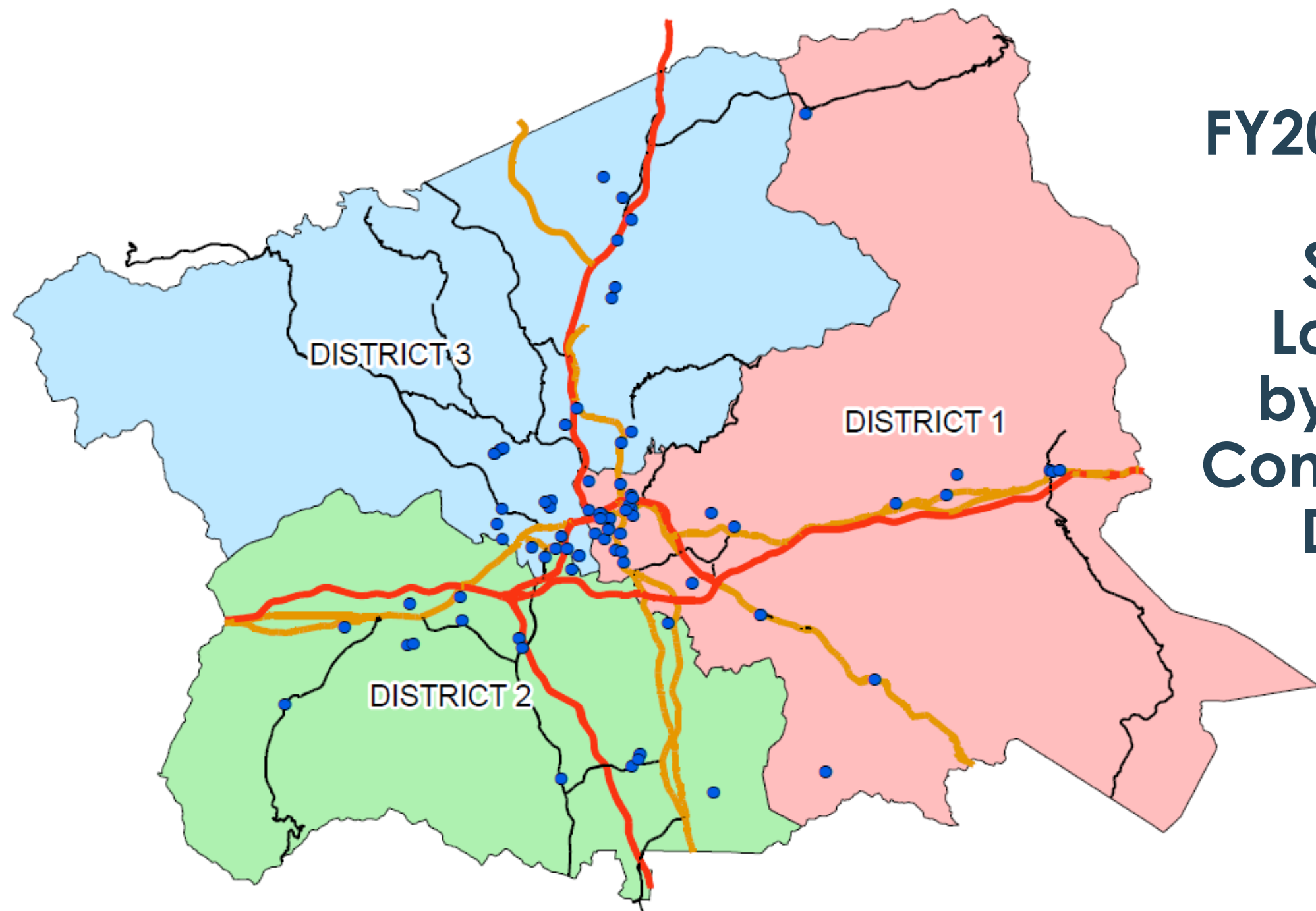
Resident Well-Being \$375,389

Basic Needs	\$152,000
Food	\$16,000
Legal	\$128,000
Safety	\$59,389
Wellness	\$20,000



FY2024 Grants

Service Locations by County Commissioner Districts



Highlights

Nonprofits	Committee	Infrastructure
• Richness of project proposals • Diversity and depth of projects supported • Site visits	• Committee's inclusive, collaborative teamwork • Deliberate/intentional decision-making process • Ability to provide 80-100% of requests for funded projects • Engagement with funded organizations	• Support from staff • Online application/review software • Transparent open meetings via hybrid in-person/online option



Process Improvement Discussions

- Request additional funding from Board of Commissioners to increase the Strategic Partnerships Grant fund
- Implement hard cap of \$80,000 on request amounts
- Explore how to better assess geographic and demographic impact within the county
- Consider “bonus” scoring for things like smallness, newness, innovation, and lean budgets
- Improve categorization of project applications and grants



Next Steps

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



Thank You!



Appendix

Organization Name	Project Name	Amount
Appalachian Sustainable Agriculture Project	Preserving Farmland through Farm to School Connections	\$ 24,000
Asheville Buncombe Community Christian Ministry	Educational Support Services for Women Living at Transformation Village	\$ 40,000
Asheville Creative Arts - Hood Huggers	Hood Huggers Under Instruction (HHI/UI)	\$ 24,000
Babies Need Bottoms	Beyond Diapers - Meeting Babies' Hygiene Needs with Wipes, Rash Cream and Baby Wash	\$ 20,000
Black Wall Street AVL	Black Wall Street AVL - Strengthening BIPOC Businesses in WNC	\$ 70,000
Bountiful Cities	Community Garden Network and Edible Park Support	\$ 16,000
Buncombe County Schools Foundation	The Face of Hope	\$ 24,000
Caring for Children Eckerd Connects	Respite Scholarship Program	\$ 25,000
Children First/Communities in Schools of Buncombe County	Student Success Support for Buncombe County Children	\$ 60,000
Eliada Homes, Inc	Foster Youth Independence Program	\$ 48,000
H3 Collective (formerly Under One Sky Village Foundation)	Scholarships and Outcomes Evaluation for One-On-One and Group Programming for Youth in Foster Care	\$ 20,000
Haywood Street Congregation	Downtown Welcome Table	\$ 35,000



Appendix

Organization Name	Project Name	Amount
Helpmate, Inc.	Domestic Violence Prevention and Outreach	\$ 59,389
Literacy Together	Igniting Superhero Readers	\$ 50,000
Mountain Child Advocacy Center	Adult Education for Parenting and Child Abuse Prevention	\$ 48,000
OnTrack Financial Education & Counseling	Financial Capabilities Counseling & Education	\$ 16,000
Pisgah Legal Services	Justice For All Program	\$ 64,000
Pisgah Legal Services	Homelessness Prevention Program	\$ 64,000
Read to Succeed	Positive Experiences Around Reading (PEAR)	\$ 26,800
RiverLink	Clean Water for Buncombe: Stormwater Mitigation in Black Mountain	\$ 11,211
W4H Asheville dba Working Wheels	Affordable Vehicle Repairs	\$ 44,600
YTL Training Program	YTL Summer and Advocacy Support	\$ 80,000
YWCA of Asheville and Western North Carolina	MotherLove	\$ 30,000





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/15/2023

Presentations

Department: Planning & Development Department

Presenter(s): Nancy Williams, Planning-Community Development

Contact(s): Nancy Williams & Matthew Cable

Subject: Community Development Block Grant – Neighborhood Revitalization (CDBG-NR) Quarterly Update

Brief Summary: Update Board of Commissioners on the Community Development Block Grant – Neighborhood Revitalization.



CDBG-NR QUARTERLY UPDATE

Presented by

Nancy Williams

Planning & Development Department
Community Development Division

August 15, 2023



Fast Facts

- *Funder:* NC Department of Commerce
- *Award:* \$400,000
- *Grant Dates:* December 2022 to June 2025
- *Grant fiscal year:* FY 23-25
- *Staffing:* 2
- *County match:* No
- *Reporting cycle:* Quarterly
- *Up to date on reporting:* Yes

Monitoring

- Eligibility and funding were monitored on many levels
- NC Department of Commerce Rural Economic Development Division staff monitor Buncombe County and its subrecipients
- County staff monitor subrecipients

Department/Cost Center Issues/Roadblocks

- Can only serve individuals outside the City of Asheville
- Project design does not directly align to grant start up

Overview

- Supports home repair for low-and moderate-income homeowners
- Nonprofit subrecipient(s) will manage the home repair program

Highlights

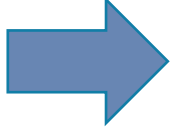
- Prioritizes home repairs up to \$30,000 per residence
- Will serve 12+ homeowners at <80% Area Median Income
- Available to homeowners outside the City of Asheville
- Subrecipient organization(s) will form a selection committee

Department /Cost Center Solutions

- Request for extension in grant start up deliverables to complete subrecipient selection process



CDBG-NR GRANT PROJECT ADMINISTRATION PROCESS

- County Submits CDBG-NR Required Award Documents
- County Issues Request for Project Proposals
-  County Selects Subrecipient
 - County Refines Scope and Contracts with Subrecipient
 - Subrecipient Convenes Home Selection Committee and Selects Sites
 - County Conducts Environmental Reviews for Each Home
 - County Monitors Subrecipient Activities Based on Contract and CDBG-NR Guidelines
 - Subrecipient Prepares/Submits and County Processes Draw Requests
 - County Prepares/Submits Reimbursement Request to NCDOC REDD
 - County and Subrecipient Project Closeout with NCDOC REDD



CDBG-NR ACTIVITIES IN LAST QUARTER

April 24 - May 23	RFP #1 Program Funding level per residence: \$15,000 - \$30,000
May 24 – June 25	Revision of Program Funding Parameters with NCDOC REDD
June 26 – July 21	RFP #2 Revised Program Funding level per residence: \$1 - \$30,000
July 21 – August 31	Review of Proposal Applications, Subrecipient Selection & Contracting
September 30	Contract(s) Issued



CDBG-NR GRANT PROJECT ADMINISTRATION PROCESS REMAINING ACTIVITIES

- County Refines Scope and Contracts with Subrecipient
- Subrecipient Convenes Home Selection Committee and Selects Sites
- County Conducts Environmental Reviews for Each Home
- County Monitors Subrecipient Activities Based on Contract and CDBG-NR Guidelines
- Subrecipient Prepares/Submits and County Processes Draw Requests
- County Prepares/Submits Reimbursement Request to NCDOT REDD
- County and Subrecipient Project Closeout with NCDOT REDD



QUESTIONS?





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

Presentations

Department: County Manager's Office

Presenter: Timothy Love, Intergovernmental Relations **Contact:** Timothy Love

Subject: Affordable Parking Program Update

Brief Summary: Buncombe County Commissioners approved the Affordable Parking Program at the November 1st Regular Meeting and the Program launched in December 2022. Based on utilization of the program, staff are moving towards a first-come, first-served model and will increase marketing. Additionally, staff have reviewed parking trends at the College Street parking garage and will add 50 parking spots to the program. The program will provide a reduced rate of \$40 per month to individuals that purchase a monthly parking pass and are of low to moderate income (i.e., 80% AMI).

Affordable Parking Program Update

**Regular Meeting
August 15, 2023**



Agenda

- Overview
- Program Updates
 - Coxe Avenue
 - College Street
- Next Steps



Program Overview

- Commissioners approved the Affordable Parking Program in November 2022 and was launched in December 2022
- 150 passes allotted to the Coxe Avenue parking garage (11 Sears Alley)
- Eligibility:
 - Work in Downtown Asheville
 - 80% AMI (less than \$22.88/hour or \$3,967/month)
 - Valid driver's license
 - Credit card
 - 18 and older
- \$40/month unlimited parking

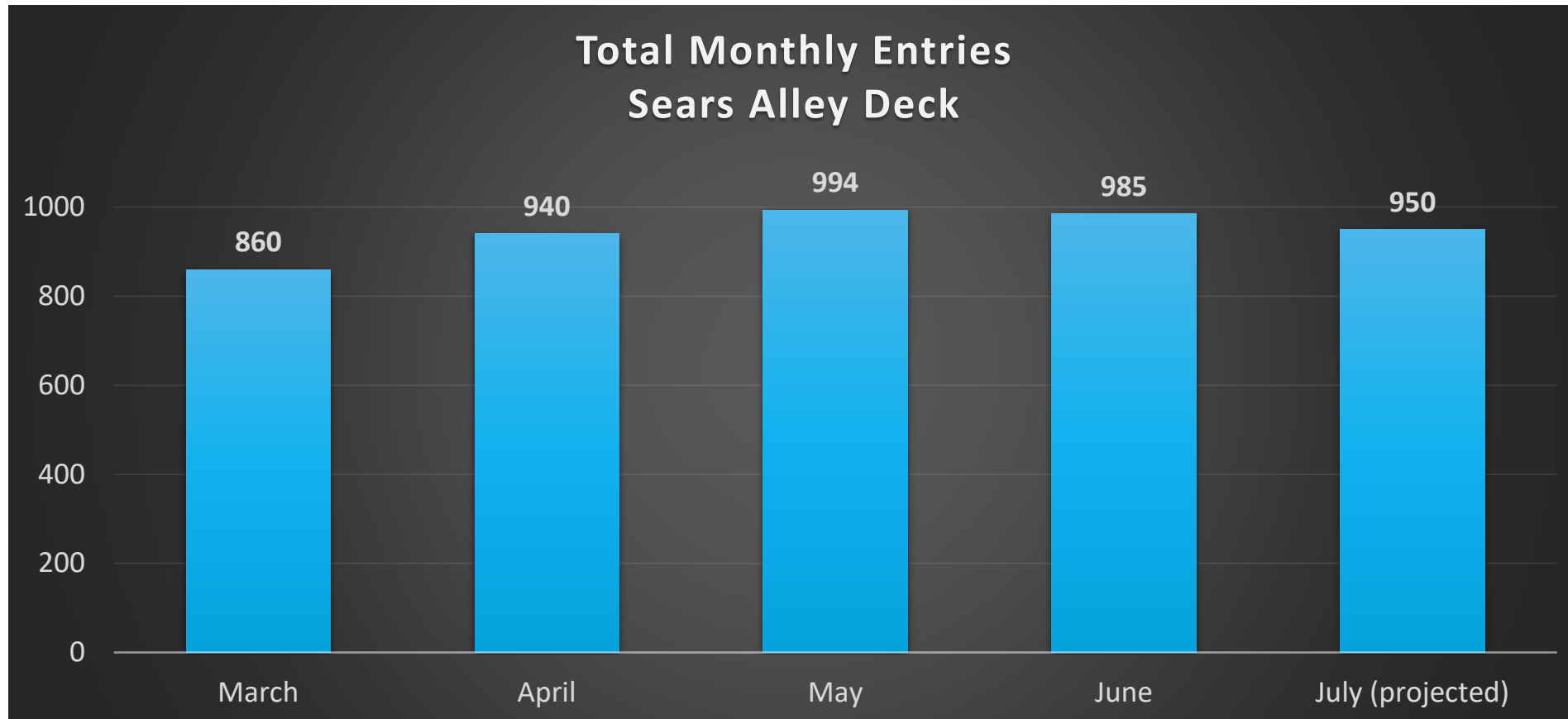


Coxe Avenue Update

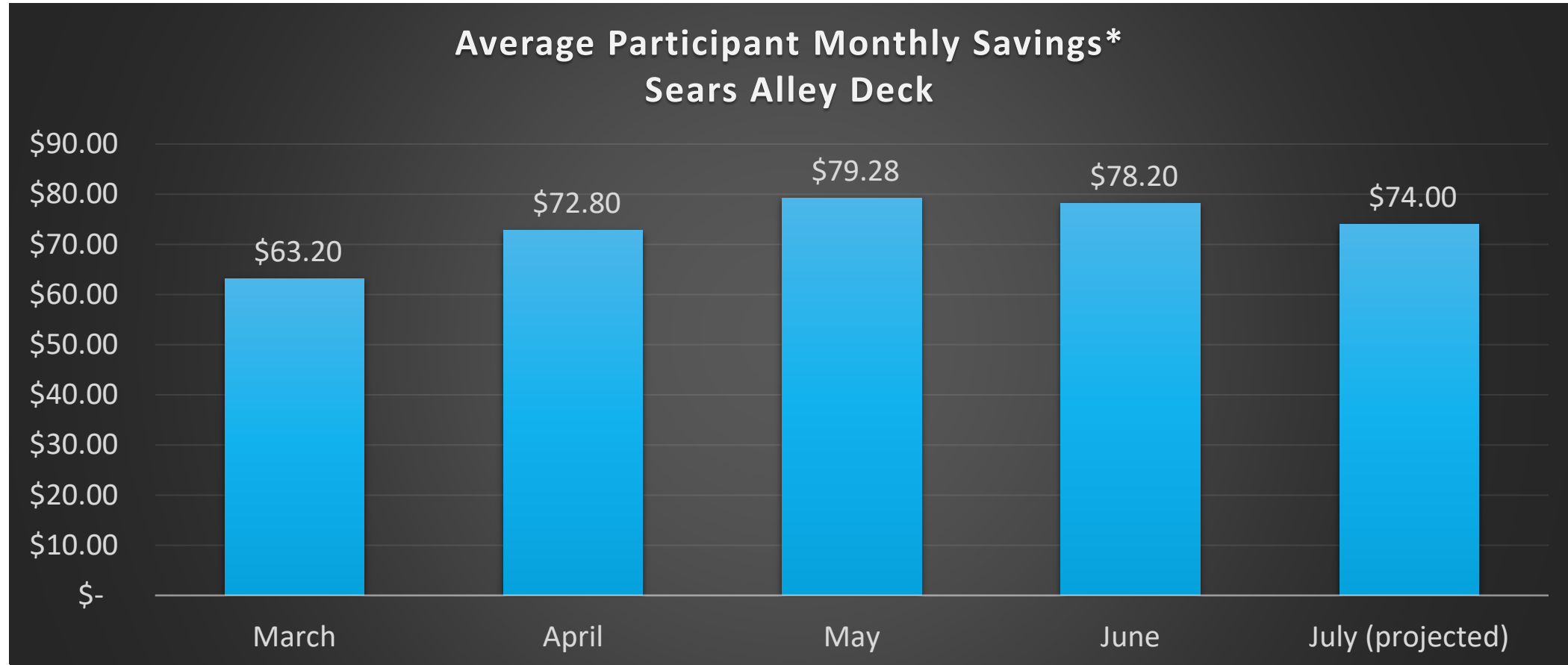
- **Eligible applications received: 167**
 - All eligible applicants have been contacted
- **Applicants Enrolled: 75**
 - Average Wage of Program participants: \$16.00/hour
 - Unfilled Parking Slots: 75 (50% vacancy rate)
 - Cancel Rate: 6 applicants enrolled and later cancelled
- **Based on the vacancy rate, staff will move the program to a first-come-first-served basis and increase marketing efforts.**



Coxe Avenue Utilization



Coxe Avenue – Estimated Savings



*Calculation: Average Monthly Non-Discounted Cost – Participant Cost = Average Participant Monthly Savings

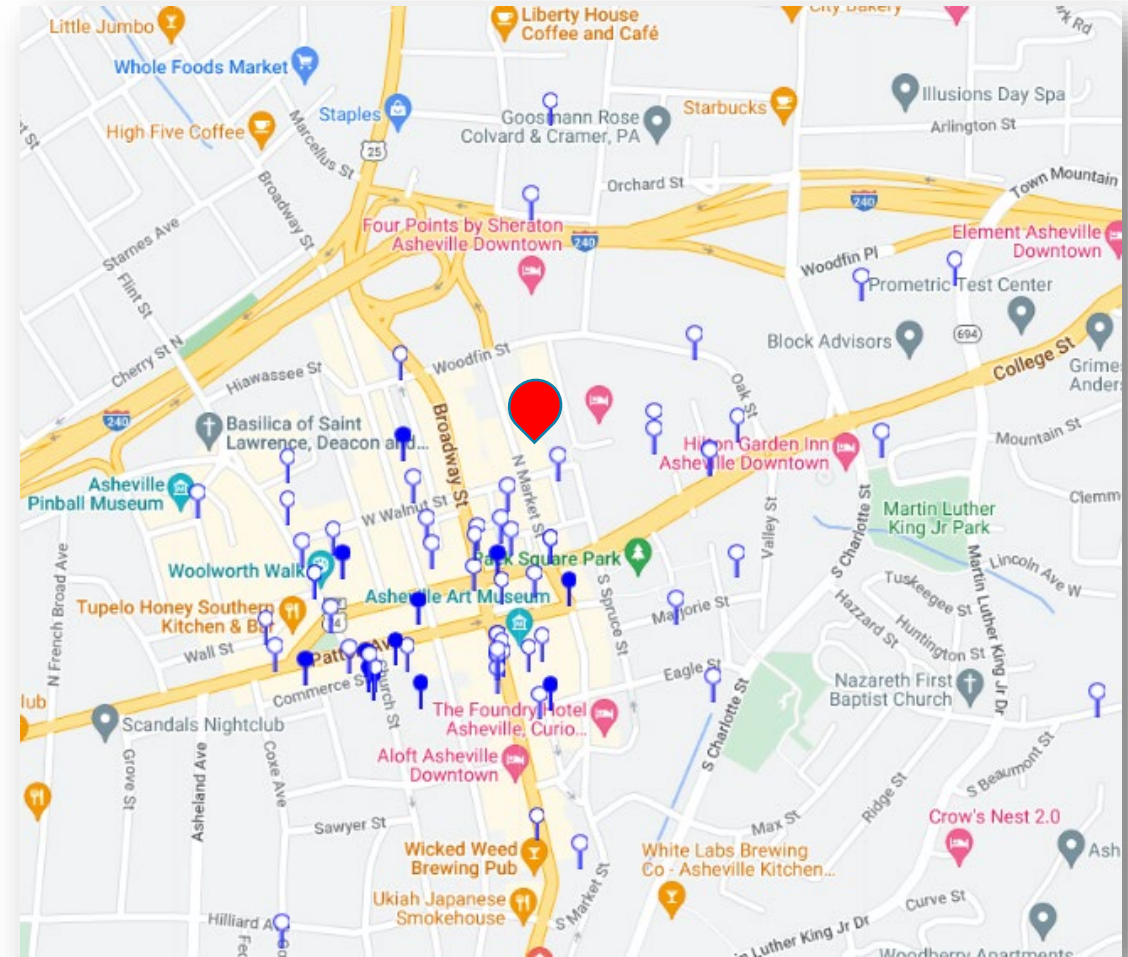


College Street Update



College Street Survey Results

- Survey issued in January
 - 158 participants
 - 72% would likely apply for the program
 - 68% earn less than \$20/hour
 - Clustered at the intersection of College St. and Broadway St.

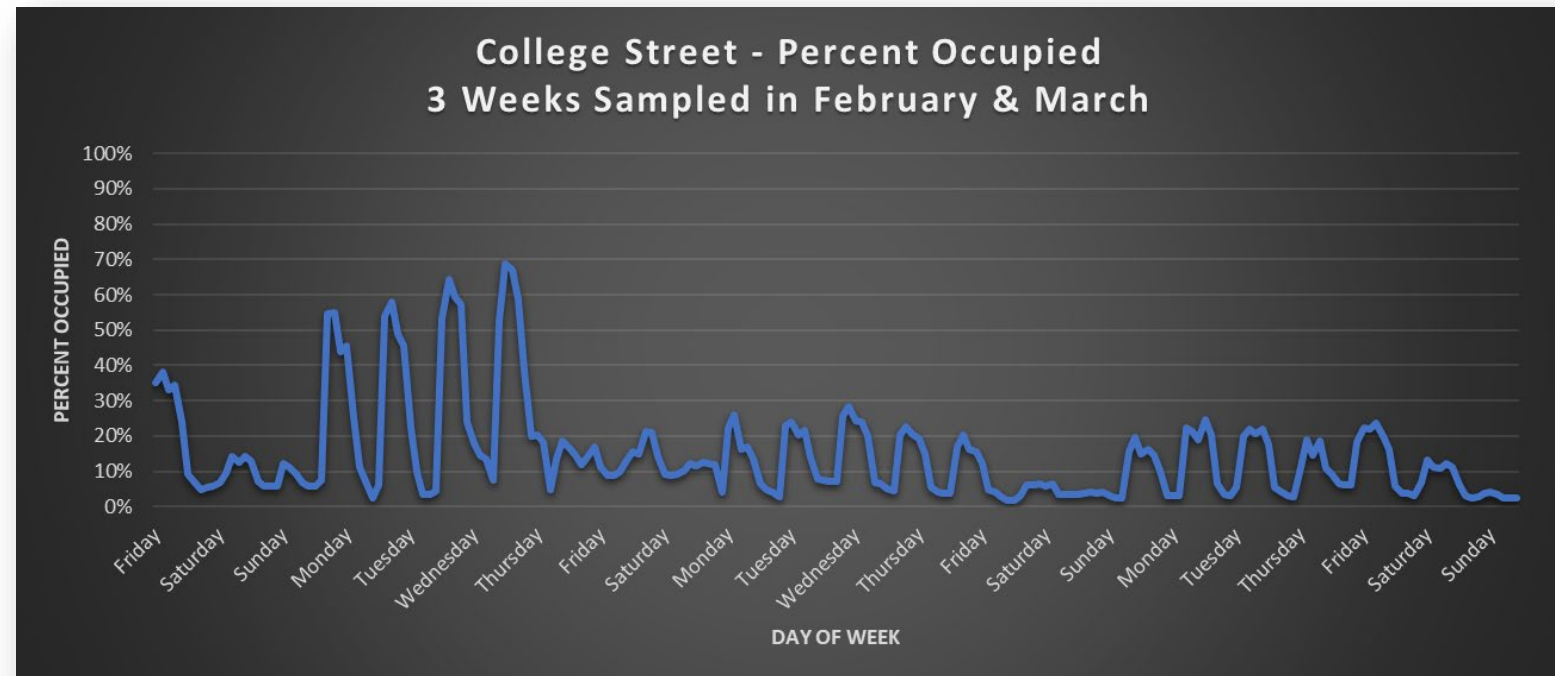


Other Survey Considerations

- Offer more spaces, at a cheaper rate, in more locations was by far the most common feedback.
- Safety, especially at night and in the early morning, was a major concern in many responses.
- Income fluctuates for many downtown workers depending on the season.
- An employee who qualifies for the program this month might not the next. Household combined income was also listed as a concern for some respondents.
- Business owners responded supporting this project and offered ideas about purchasing blocks of spaces for their employees.
- Some respondents were interested in sharing a pass with co-workers on opposite shifts.



Parking Analysis



Next Steps

- **Program Re-launch: 8/16**
 - Accept applications for both parking garages
 - Market program with key partners
- **Program Evaluation: ongoing**
 - Survey program participants and non-participants to improve the program



Appendix



Participation Insights

Participation Insights: [click here to view the full dynamic report](#)

Total Participants

158

Work a combination of days
and evenings

51%

Work a combination of weekdays
and weekends

77%

68%

Earn Less than \$20 per Hour

92%

Rely on Personal Car for
Transportation

72%

Would Likely Apply for \$40
Monthly Program





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

Public Hearings

Department: Planning

Presenter(s): Haylee Madfis

Contact(s): Haylee Madfis

Subject: Long Shoals Business Center Rezoning Request

Brief Summary: Long Shoals Business Center LLC has requested to rezone one (1) parcel of land from NS (Neighborhood Service District) to CS (Commercial Service District).

Recommended Motion & Requested Action:

1. Planning Staff recommends approval of the request
2. The Planning Board unanimously recommends approval of the request

County Manager's Comments and Recommendation: County Manager recommends as presented.

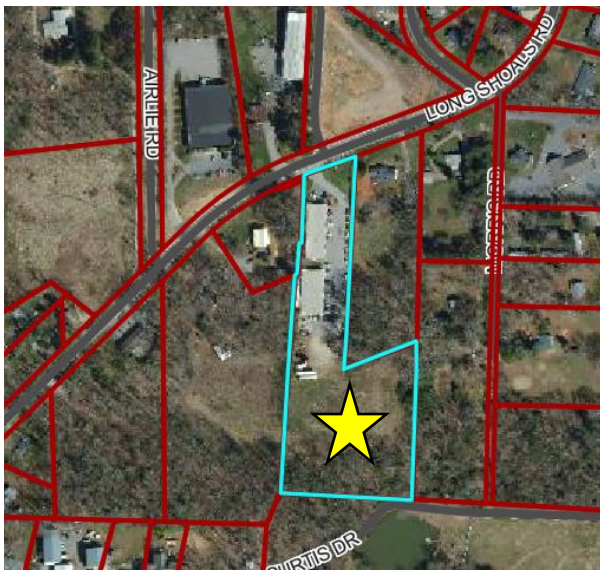


BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

ZONING MAP AMENDMENT

STAFF ANALYSIS

Legislative Hearing

LOCATION MAP		A. CASE	
		ZPH2023-00019 Long Shoals Business Center Rezoning	
		B. PROPERTY INFORMATION	
		PIN(s): 9634-75-3609 Addresses: 565 Long Shoals Rd Owner(s): Long Shoals Business Center LLC Acreage: 4.97 acres Utilities: The parcel is currently served by both public water and sewer. Access Road: Long Shoals Road (NCDOT State Maintained)	
C. REZONING REQUEST			
Summary: Long Shoals Business Center, LLC has requested to rezone one (1) parcel of land from NS (Neighborhood Service) to CS (Commercial Service).		Existing: NS Neighborhood Service	
		Proposed: CS – Commercial Service	
D. PUBLIC NOTICE		Planning Board	Board of Commissioners
Citizen Times and BC website:		7/5/23	8/4/23
Mailed to owners within 1,000 ft:		7/5/23	8/4/23
Physical posting on site:		7/7/23	8/4/23
Hearing Date:		7/17/23	8/15/23
E. STAFF RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW			
COUNTY STAFF: APPROVAL	Staff recommends approval of the rezoning application and finds it conforms to many of the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, an analysis of Neighborhood consistency, and the equity analysis. See sections below for detailed analysis.		
PLANNING BOARD: APPROVAL			

F. SPOT ZONING ANALYSIS

Spot Zoning: A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." *Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*

CONSISTENTPOTENTIAL
SPOT
ZONING**1. Staff Analysis of spot zoning:**

The subject parcel is adjacent to property currently zoned CS along Long Shoals Road. Based on the nature of the request, Staff does not have concerns related to spot zoning.

X

G. 2043 COMPREHENSIVE PLAN CONSISTENCY

PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.

GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):CONSISTENTNOT
CONSISTENT**1. FLUM CATEGORY DESCRIPTION**

The proposed rezoning from NS to CS is inconsistent with the Character description of the Mixed Use Residential area where this parcel is located.

X

2. WASTEWATER & POTABLE WATER TYPE

The parcel has access to public water and sewer.

X

3. DENSITY

The CS zoning district has a maximum density of up to 12 units an acre and the Character area recommends up to 30.

X

4. PRIMARY AND SECONDARY LAND USES

The CS zoning districts allows for a higher intensity of uses than those recommended in the Character Framework for the Mixed Use Residential area.

X

PLAN POLICIES AND ACTIONS:CONSISTENTNOT
CONSISTENT**5. Proximity to Transportation Corridor (Transportation Action 4)**

The parcel is within 1 mile of a major transportation corridor.

X

6. Support higher density residential development near job centers and amenities (Transportation Action 4)

The proposed rezoning would not change the amount of residential density allowed per acre. Not applicable.

N/A

7. Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and

X

increase the capacity to sustain the county's existing biodiversity (<i>Env. Conserv. Action 3</i>) This parcel does not constitute an in-tact habitat.		
8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration (<i>Env. Conserv. Action 3</i>) This rezoning would not cause the fragmentation of a large forest block.	X	
9. Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc. (<i>Economic Dev. Action 2</i>) The parcel has transportation access, is in close proximity to the Brevard Road economic corridor, is on public utilities, and has the potential to attract labor and community synergies with the growing number of surrounding apartment complexes.	X	
10. Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map (<i>Economic Dev. Action 3</i>) Parcel is not within one of the listed Character Areas. Not Applicable.	N/A	
11. Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA's Environmental Justice Screening Tool (<i>Health Action 7</i>) The parcel is not located in an Equity Opportunity Area (EOA). This rezoning will most likely not improve air, water, or land quality.	N/A	
ENVIRONMENTAL:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not located in the Steep Slope/ High Elevation and Protected Ridge Overlay district.	X	
13. Regulated Flood Hazard Areas The parcel is not located within a regulated flood hazard area.	X	
14. High or Moderate Hazard Stability Areas This parcel is not in a high or moderate hazard stability area.	X	

H. NEIGHBORHOOD CONSISTENCY			CONSISTENT	NOT CONSISTENT
1. CURRENT DEVELOPMENT TYPES: Subject parcel is located along a mixed use corridor, with the following adjacent zonings and uses:			X	
DIRECTION	ZONING	ADJACENT USES		
NORTH	NS Neighborhood Service	Vacant Commercial land and warehouse/storage		
EAST	NS Neighborhood Services	Medical office		
SOUTH	R-2 Residential	Multiple residential		
WEST	CS Commercial Service	Residential		
2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? <i>(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)</i> The rezoning of the property to CS next to an R2 district would not allow for a transition area between zoning districts. However, the zoning ordinance does require buffering and tree screening standards for commercial projects.				X
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? The proposed rezoning would allow for additional uses that are not currently allowed. Most of these types of uses are not located in this area. However, the current use of the subject parcel is warehouse storage, along with the property to the north, and the property to the east is a medical office which are consistent with the CS zoning district.			X	
4. DENSITY & DIMENSIONAL STANDARDS COMPARISON:				
	Existing Zoning District:		Proposed District:	
	NS Neighborhood Service		CS Commercial Service	
Min. Lot Size (SF)	30,000 SF No Public Sewer 10,000 SF Public Sewer/No Water 5,000 SF Public Water and Sewer		30,000 SF No Public Sewer 10,000 Public Sewer/No Water 5,000 SF Public Water/Sewer	
Max. dwelling units per acre	12		12	
Setbacks (Front/Side/Rear)	10/7/15 w/sewer 20/10/20 no sewer		10/10/10	
Max. height	35 feet		50 feet	

5. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses that are not currently allowed in the NS district. Examples of uses that would be allowed after the rezoning include Commercial Planned Unit Developments, manufacturing and processing operations, motor vehicle impoundment yard, cargo/freight terminals, operations, and activities, storage and warehousing, health care facilities, etc.

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

There has not been a change of use or zoning for this property.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – NS

The NS Neighborhood Service District is primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS Neighborhood Service District is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such, the type of uses allowed and the standards established for development in this NS Neighborhood Service District should be compatible with the residential character of the area and should neither add to traffic congestion; nor cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences; nor should they visually detract from the overall appearance of the neighborhood. The NS Neighborhood Service District should currently have water and sewer services or be expected to have such services in the foreseeable future.

PROPOSED ZONING DISTRICT – CS

The CS Commercial Service District is primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, to discourage strip commercial development, and to allow for suitable noncommercial land uses. Such locations should currently have water and sewer services or be expected to have such services available in the future. This CS Commercial Service District may be applied to suitable areas adjacent to existing commercial concentration to allow for their expansion.

J. EQUITY ANALYSIS

1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff's Equity Analysis for this rezoning:

This parcel is in an area of the county that has a low Equity Index Rank on the Community Index Map, meaning that it is not identified as an Equity Opportunity Area (EOA) where BIPOC or other historically disadvantaged communities live or work. While there are no specific projects being reviewed, an anticipated positive outcome will be that an existing non-conforming use will become conforming with the rezoning.

2. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with the adopted 2043 Comprehensive Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

*References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)*

2. BOARD OPTIONS

The following options are available to the Board:

- a. Recommend approval of the proposed rezoning, as presented.
- b. Recommend approval of a portion of the proposed rezoning.
- c. Recommend denial of the proposed rezoning, as presented.

3. ATTACHMENTS

- Application
- Maps
- Power Point Presentation

PLANNING BOARD'S WRITTEN RECOMMENDATION TO THE BUNCOMBE COUNTY
BOARD OF COMMISSIONERS TO APPROVE APPLICATION ZPH2023-00019
REQUESTING AN AMENDMENT TO THE OFFICIAL ZONING MAP

WHEREAS, the Zoning Administrator for Buncombe County has received an application (ZPH2021-00019, 565 Long Shoals Road, LONG SHOALS BUSINESS CENTER MAP AMENDMENT) requesting an amendment to The Official Zoning Map of Buncombe County on the parcel(s) depicted in the map attached hereto as "Exhibit A" and identified as follows:

PIN(s): 963475360900000
Addresses: 565 Long Shoals Road
Owner(s): LONG SHOALS BUSINESS CENTER LLC
Applicant(s): Li Yueh Hu of LONG SHOALS BUISNESS CENTER LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the NS Neighborhood Service District to the CS – Commercial Service District; and

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this application was considered have been properly mailed to members of the Planning Board, the applicant(s), owner(s), and all adjoining property owners at least ten (10) days prior to the meeting; public notice of the meeting has been properly published in a newspaper having general circulation in the County; and notices of the public hearing concerning this zoning map amendment have been prominently posted as required; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Planning Board duly advertised and held a public hearing to consider the proposed amendment; and

WHEREAS, pursuant to Buncombe County Code of Ordinances Sec. 78-717 and N.C. Gen. Stat. § 160D-604(d), the Planning Board has advised and commented on "whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable" and has provided "a written recommendation to the board of county commissioners" concerning the same (said written recommendation, which is incorporated herein by reference, is attached hereto as "Exhibit B"); and

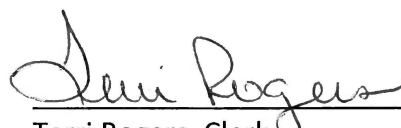
WHEREAS, the Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed map amendment by a vote of **6 to 0**.

NOW, THEREFORE, THE BUNCOMBE COUNTY PLANNING BOARD HEREBY RECOMMENDS AS FOLLOWS:

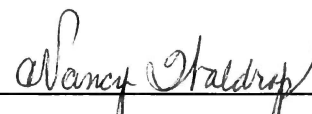
1. The Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed Zoning Map amendment as presented in Exhibit A.

Read, approved and adopted this the 17th day of July 2023.

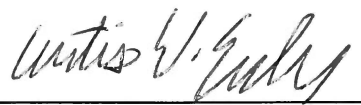
ATTEST


Terri Rogers, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Chair

APPROVED AS TO FORM


County Attorney

Consented to (YES/NO):

Planning Board Members:

Nancy Waldrop, Chair - Yes
John Noor - ~~Absent~~ Yes
~~Cindy Weeks~~ - Yes Absent
~~Tim Collins~~ - Yes Absent
Ken Kahn - Yes
Mike Fisher - ~~Absent~~ Yes
~~Eric Robinson~~ - Yes Absent
Alan Coxie - Yes
Billy Taylor - ~~Absent~~ Yes

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s): 963475360900000
Addresses: 565 Long Shoals Road
Owner(s): LONG SHOALS BUSINESS CENTER LLC
Applicant(s): Li Yueh Hu of LONG SHOALS BUSINESS CENTER LLC

PROPOSED ZONING DISTRICT – CS

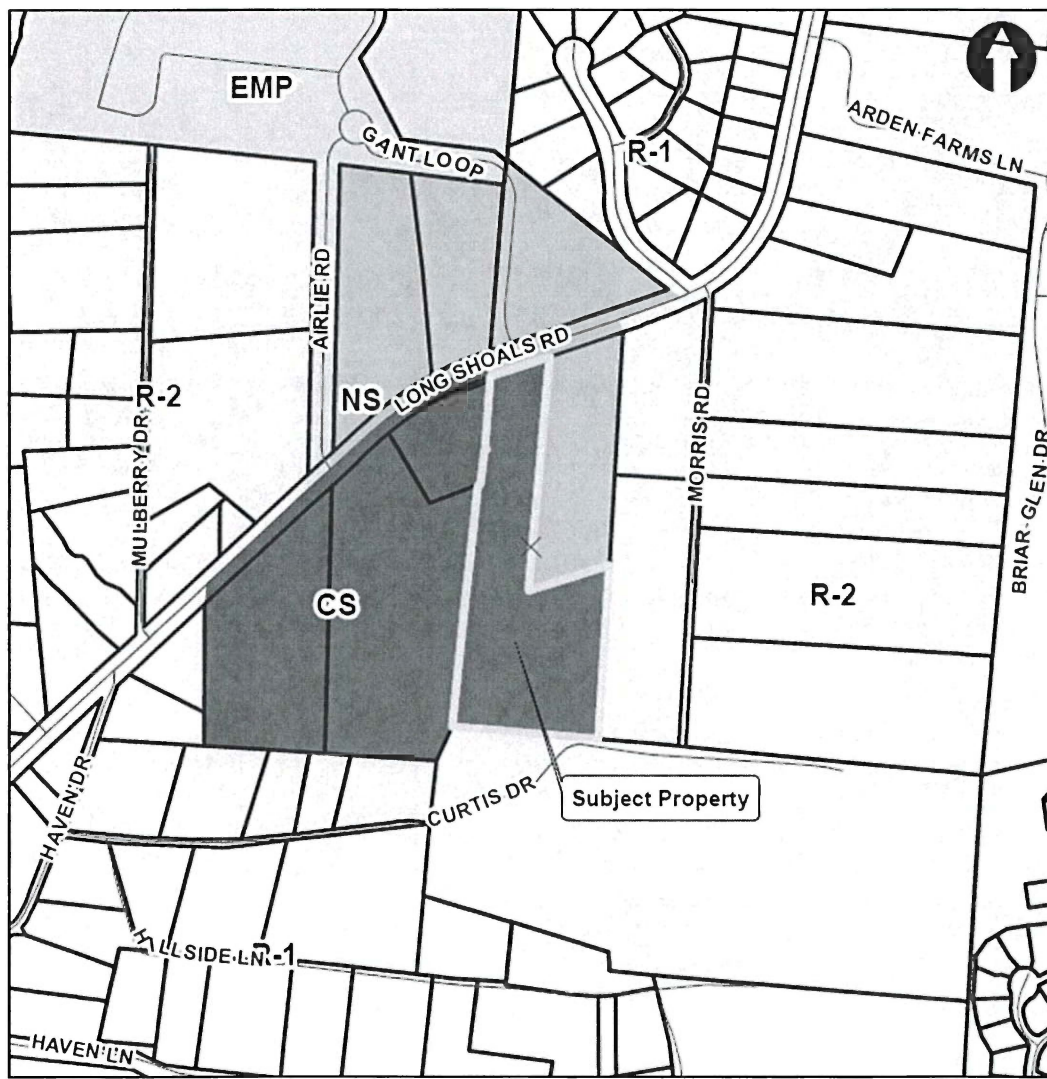


Exhibit B

PLAN CONSISTENCY STATEMENT

ZONING MAP AMENDMENT
CONSISTENT WITH PLAN

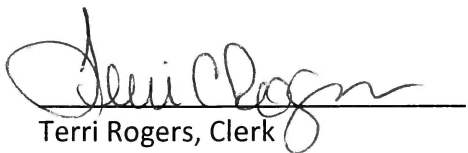
Pursuant to N.C. Gen. Stat. §160D-604(d) the Buncombe County Planning Board hereby approves and adopts the following Plan Consistency Statement for the rezoning of tax lot PIN(s) 963475360900000, from the NS Neighborhood Service District to the CS Commercial Service District. The Board finds the following:

1. The proposed rezoning of the subject property is consistent with the Buncombe County 2043 Comprehensive Plan in that the property is:
 - A. Within reasonable proximity to infrastructure (combined water / sewer service area).
 - B. Within the recommended density of the Character area.
 - C. Within reasonable proximity to major transportation corridors.
 - D. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - E. Has potential to work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
 - F. Outside of steep slope area (25%+).
 - G. Outside of moderate and high slope stability hazards.
 - H. Outside of flood hazard areas.
2. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it **does** conform to many of the recommendations from the 2043 Comprehensive Plan.

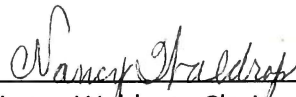
Therefore, the requested zoning would be **reasonable and in the public interest**.

Approved and adopted this the 17th day of July 2023.

ATTEST


Terri Rogers, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Chair

ORDINANCE NO. 23-08-10

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY, CHAPTER 78,
ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF
BUNCOMBE COUNTY
ZPH2023-00019

WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;

WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;

WHEREAS, pursuant to N.C. Gen. Stat. §160D-6-2, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;

WHEREAS, the Planning Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to rezone the below listed parcels, and shown herein as Exhibit A:

Case: ZPH2023-00019
PIN(s): 9634-75-3609
Addresses: 565 Long Shoals Road
Owner(s): Long Shoals Business Center LLC
Applicant(s): Long Shoals Business Center LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the NS Neighborhood Service District to the CS Commercial Service District as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference; and,

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on July 17, 2023, at which meeting a motion to approve the proposed map amendment passed by a vote of **6 to 0**; and,

WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of

Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

- a) The proposed rezoning of the subject property is consistent with the Buncombe County 2043 Comprehensive Plan in that the property:
 - i. Is within reasonable proximity to water and sewer infrastructure
 - ii. Aligns with the density requirements for the CS zoning district
 - iii. Is within reasonable proximity to major transportation corridors
 - iv. Prioritizes environmental conservation of other natural lands to protect and increase the capacity to sustain the county's existing biodiversity
 - v. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - vi. Has potential to work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
 - vii. Is outside of steep slope area
 - viii. Is outside of moderate and high slope stability hazards
 - ix. Is outside of flood hazard areas
- b) The proposed map amendment would **not be detrimental** to the owners, adjacent neighbors, and surrounding community as it **does** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update.
- c) Therefore, the requested zoning would be **reasonable** and **in the public interest**.

Section 2. This Board does hereby **approve** the request to rezone PIN(s) 9634-75-3609, 565 Long Shoals Road, Buncombe County, NC, from NS Neighborhood Service District to CS CommercialService District, as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference;

Section 3. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;

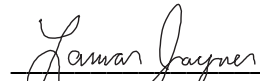
Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.

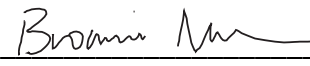
Read, approved and adopted this the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

BY 

Brownie Newman, Chairman

APPROVED AS TO FORM



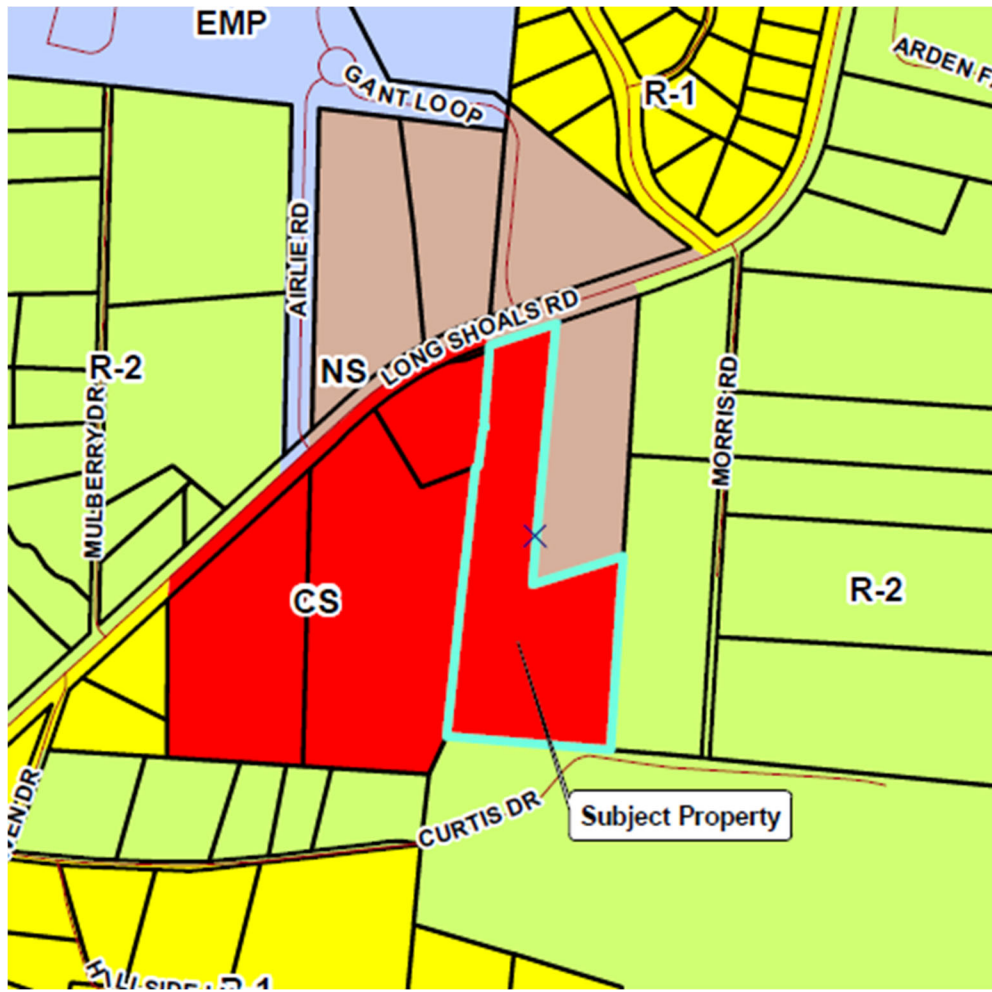
County Attorney

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s): 9634-75-3609
Addresses: 565 Long Shoals RD
Owner(s): Long Shoals Business Center LLC
Applicant(s): Long Shoals Business Center LLC

PROPOSED ZONING DISTRICT – CS



RESOLUTION NO. _____

RESOLUTION DENYING A REQUEST TO AMEND
THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY,
CHAPTER 78, ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES,
THE ZONING ORDINANCE OF BUNCOMBE COUNTY
ZPH2023-00019

-
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;
- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-6-2, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;
- WHEREAS, the Planning Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to rezone the below listed parcels, and shown herein as Exhibit A:
- Case: ZPH2023-00019
PIN(s): 9634-75-3609
Addresses: 565 Long Shoals Rd
Owner(s): Long Shoals Business Center LLC
Applicant(s): Long Shoals Business Center LLC
- WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the NS Neighborhood Service District to the CS Commercial Service District as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference; and,
- WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on July 17, 2023, at which meeting a motion to approve the proposed map amendment passed by a vote of **6 to 0**; and,
- WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances , the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

- 1.1. Said zoning change is **inconsistent** with the Buncombe 2043 Comprehensive Plan because the proposed rezoning is:

Insert Finding

- 1.2. Said rezoning **would be detrimental** to the owners, adjacent neighbors, and surrounding community as it **does not** meet a number of goals as identified in the Buncombe County 2043 Comprehensive Plan.
- 1.3. Therefore, the requested zoning would be **unreasonable** and **not in the public interest**.

Section 2. This Board does hereby **deny** the request to rezone PIN(s) 9634-75-3609 and, 565 Long Shoals Road, Buncombe County, NC, from NS Neighborhood Service District to CS Commercial Service District, as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference;

Section 3. This resolution is effective upon adoption.

Read, approved and adopted this the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

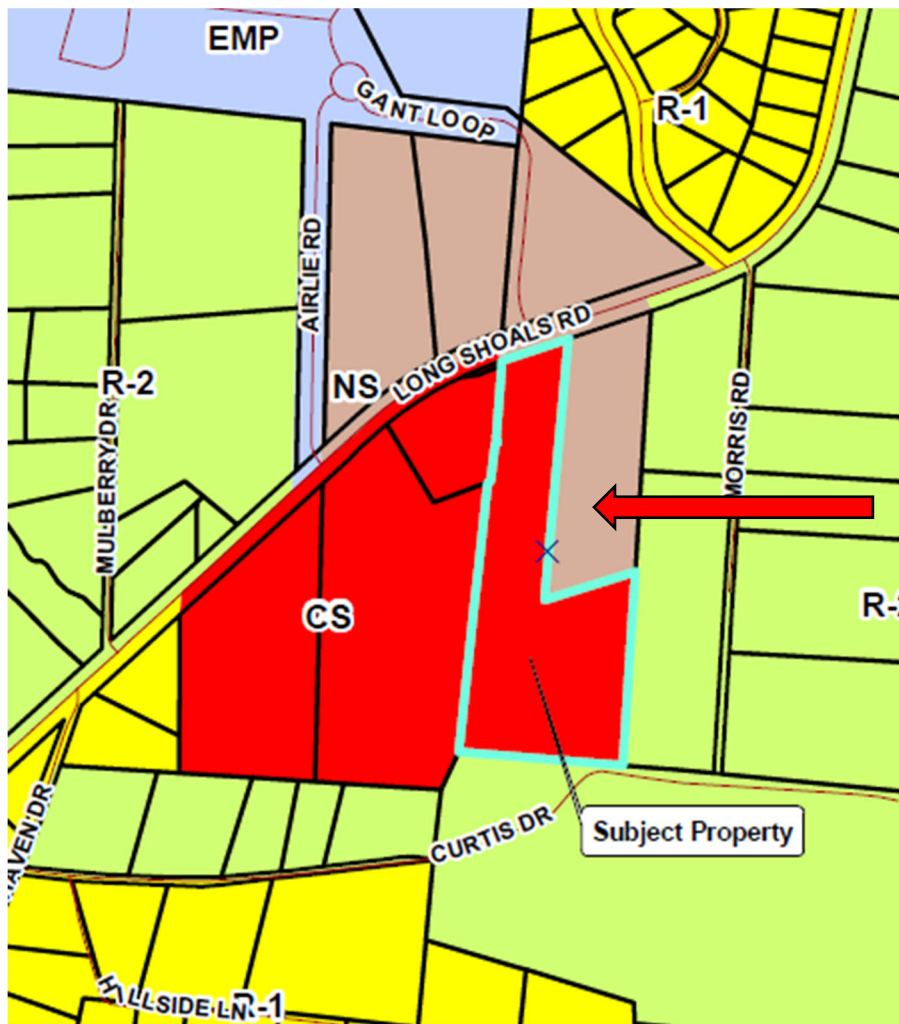
County Attorney

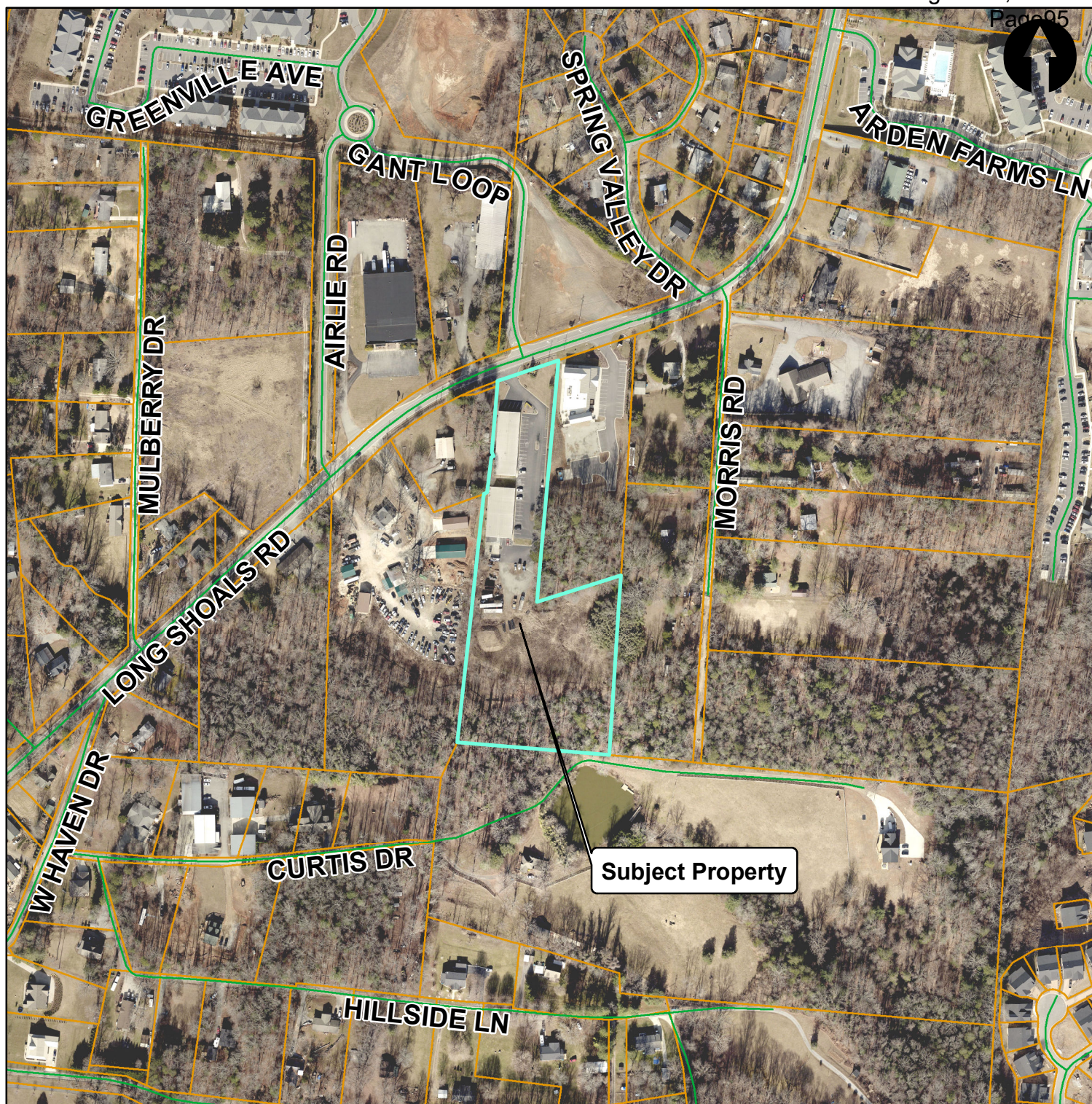
Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

Case: ZPH2023-00019
PIN(s): 9634-75-3609
Addresses: 565 Long Shoals Road
Owner(s): Long Shoals Business Center LLC

PROPOSED ZONING DISTRICT –CS





0 0.05 0.1 0.2 Miles

565 Long Shoals Rd
PIN 9634-75-3609

ZPH2023-00019

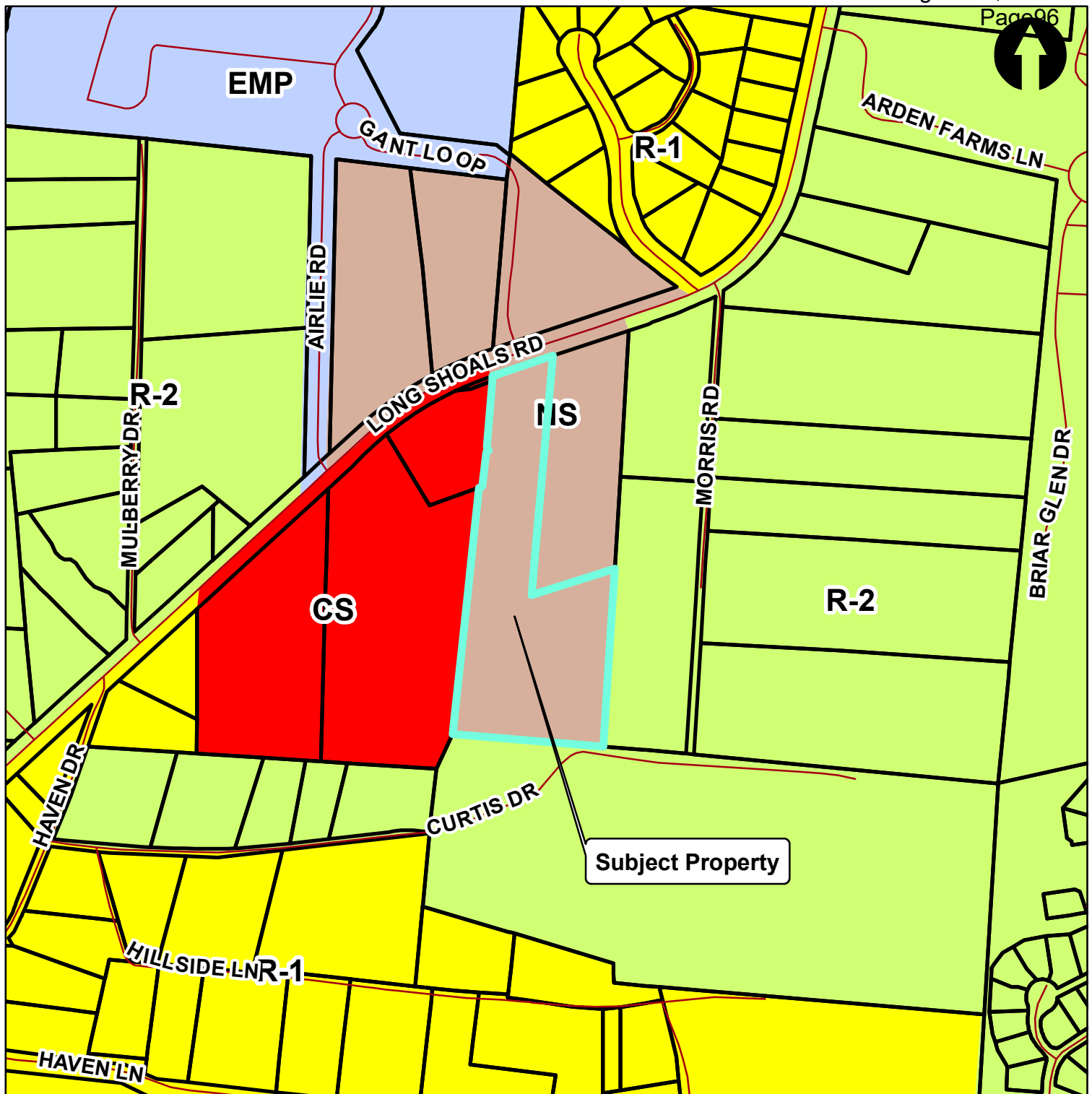
Long Shoals Business Center

Map Amendment

Aerial Map

Created By: Buncombe Co. Planning
Date: 6/23/2023

— Roads
— Property Boundaries



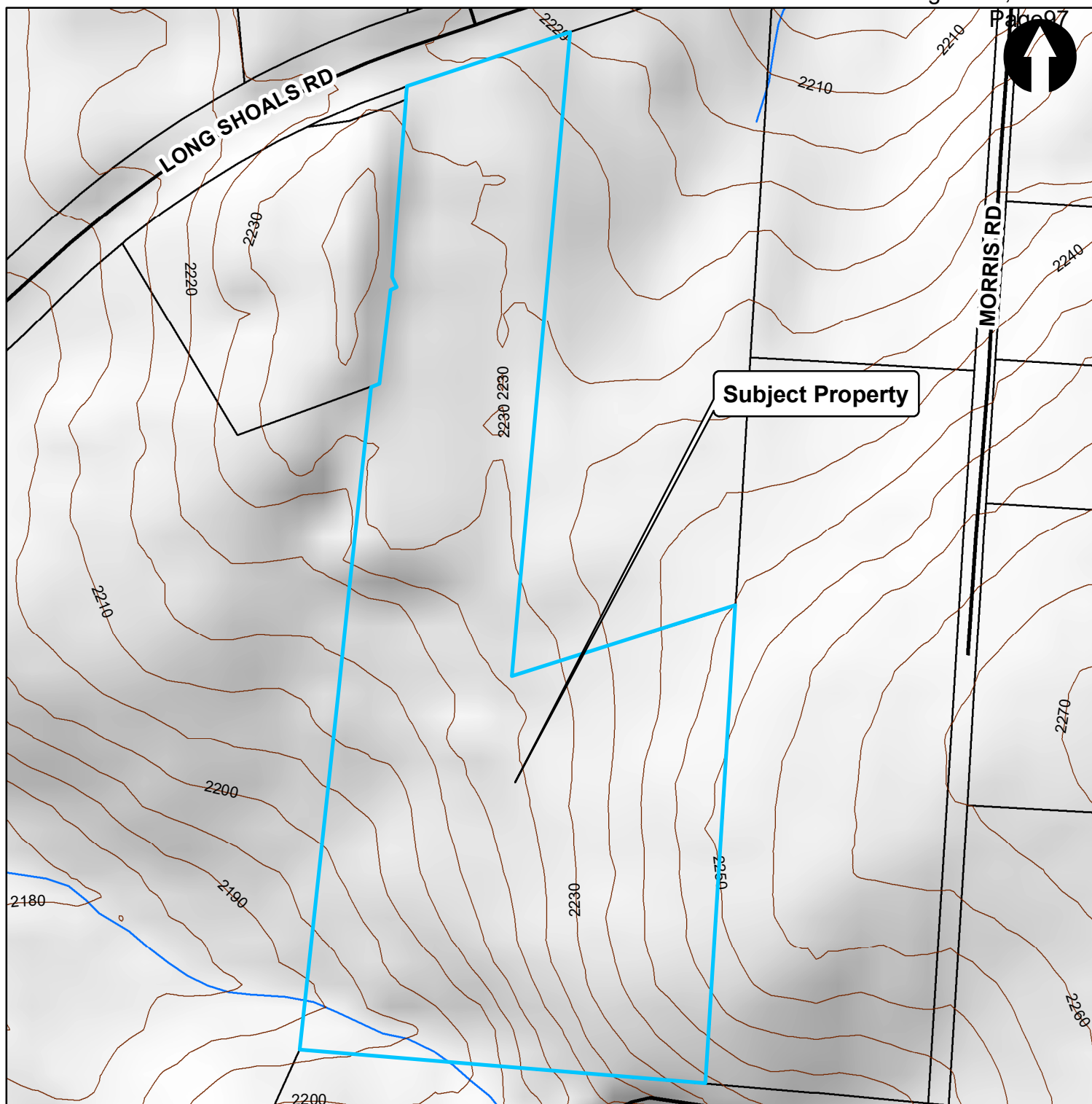
0 0.05 0.1 0.2 Miles

565 Long Shoals Rd
PIN 9634-75-3609

ZPH2023-00019 Long Shoals Business Center Map Amendment

Zoning Map

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD



0 100 200 400 Feet

565 Long Shoals Rd
PIN 9634-75-3609

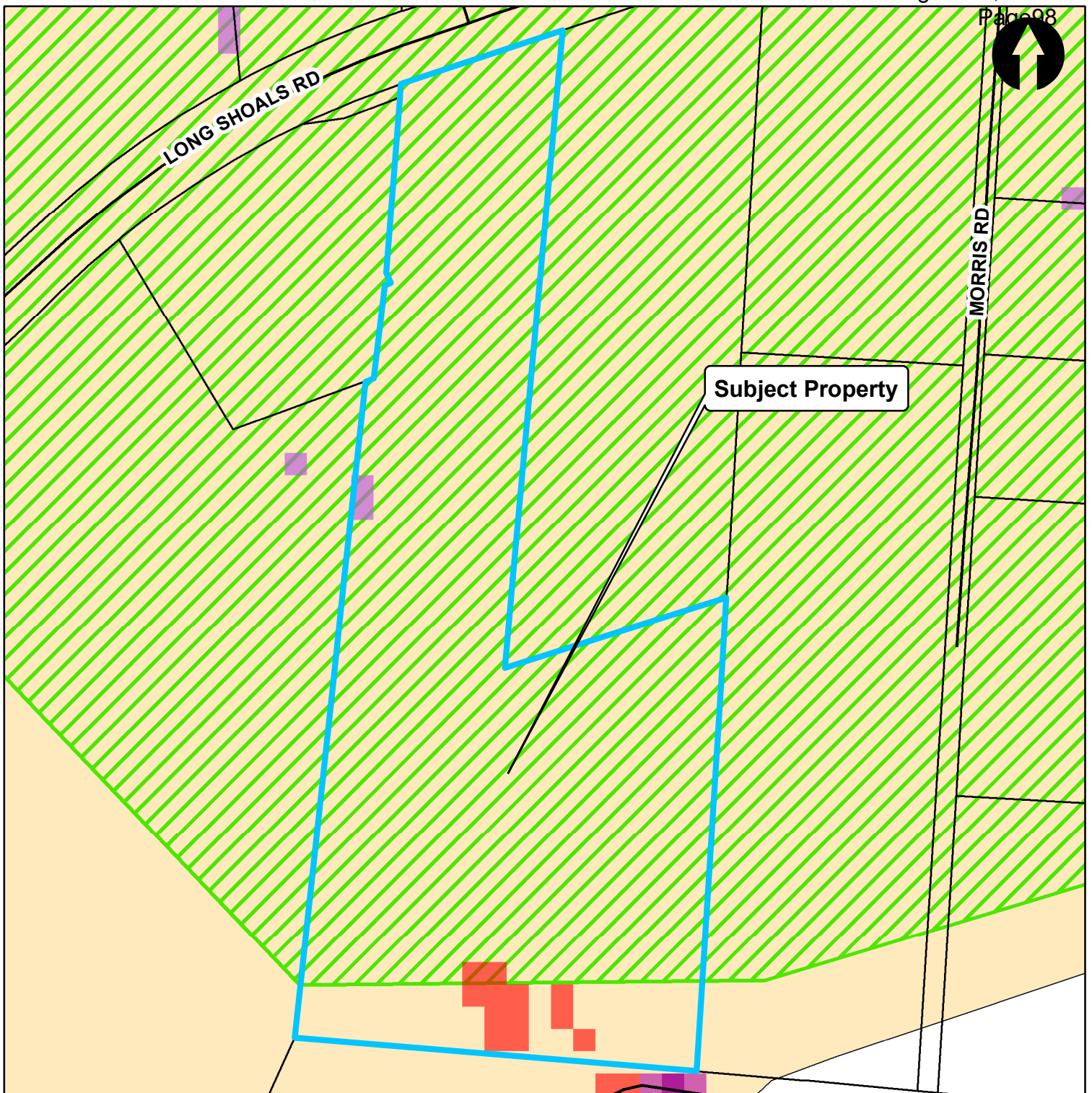
ZPH2023-00019

Long Shoals Business Center

Map Amendment

Topo Map

- Roads
- 5 Foot Contours
- Property Boundaries



0 100 200 400 Feet

565 Long Shoals Rd
PIN 9634-75-3609

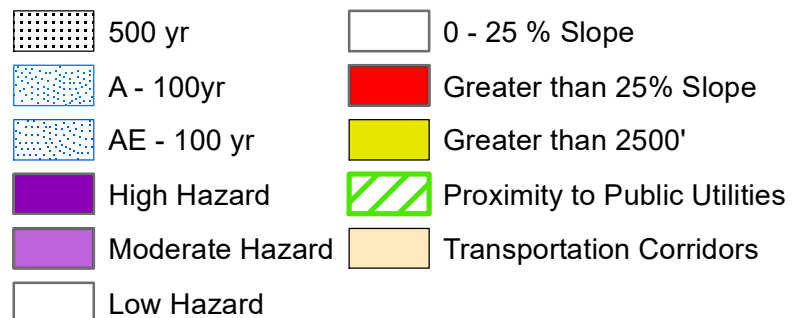
ZPH2023-00019

Long Shoals Business Center

Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 6/23/2023





ZPH2023-00019 Long Shoals Business Center Zoning Map Amendment

Presented by

Haylee Madfis

Planning & Development Department



Updated Rezoning Review

The 2043 Comprehensive Plan has replaced the 2013 Land Use Plan as the guiding document for rezonings

Staff recommendations are based on:

- ☐ G.E.C. Land Use Characters
- ☐ Plan Policies and Actions
- ☐ Spot zoning analysis
- ☐ Neighborhood consistency
- ☐ Equity Analysis Tool

GEC LAND USE MATRIX

Character Description	Waterways & Potable Water	General Residential Density	Primary Land Uses	Secondary Land Uses
Protected Public Lands No or extremely limited development is anticipated. Includes federal, state, or county government-owned land that is maintained in a natural state, and lands with a publicly owned conservation easement.	Private water; Private water	No new residential development	Natural forests, state parks, waterways	Conservation lands
Conservation Working Lands Working agricultural lands in townships where extensive forest development is anticipated. Preference for the land remains dedicated to agriculture, forest, or other open space uses.	Private water; Private water	Very low density: 1 lot per 10 acres gross density for the area	Working farms, forests, and open space	Small rural activity centers and low density rural residential
Rural Community Mix of uses, including low-density residential, some agricultural and forested lands, and other uses. The rural community is intended to be a more concentrated area on smaller lots.	Private water; Private water	Low density: 1 lot per 2 acres gross density for the area	Rural residential, conservation, and working farms and forests	Small rural activity centers and low density rural residential

*Indicates property character only.



THEN



NOW



Hearing Notification

- ✓ CASE NUMBER: ZPH2023-00019
- ✓ Notice in Asheville Citizen Times legal ad: 7/5/2023
- ✓ Notice mailed to owners within 1,000 ft: 7/5/2023
- ✓ Physical posting: 7/7/2023
- ✓ Notice on BC Website: 7/5/2023
- ✓ Public Hearing: 7/17/23



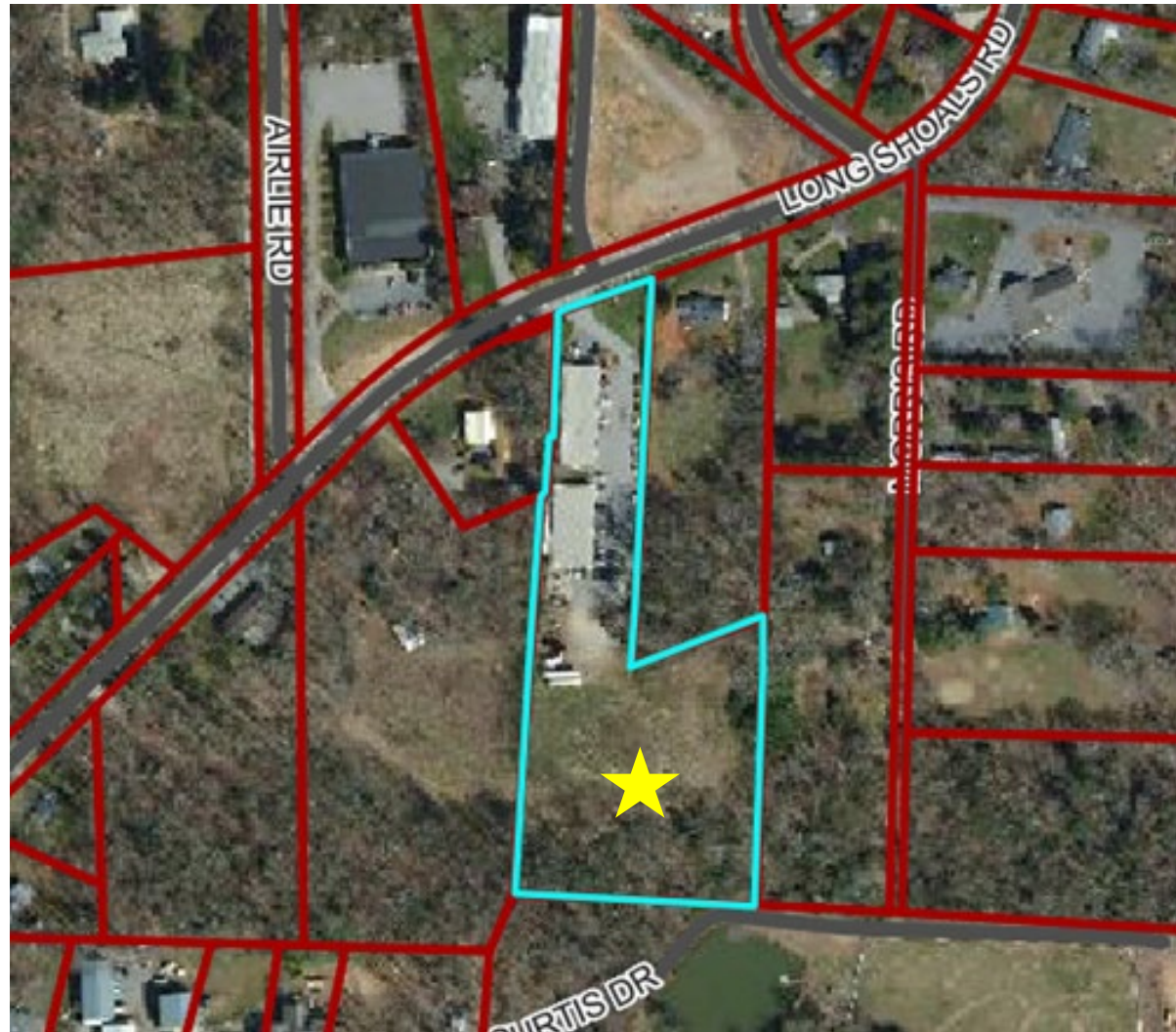
Applicant Information

- ✓ Applicant: Long Shoals Business Center LLC
- ✓ Owner(s): Long Shoals Business Center LLC
- ✓ Address(es): 565 Long Shoals Road

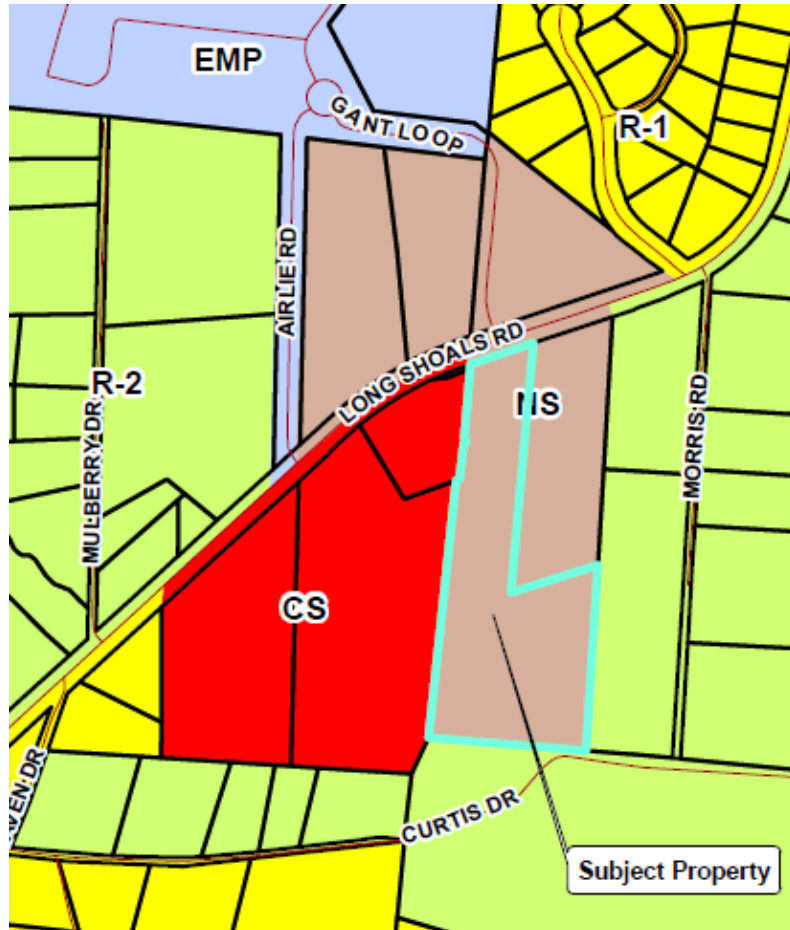


Property Information

- ✓ 4.97 acres
- ✓ Current Use:
Warehouse/storage
- ✓ Public Water &
Sewer



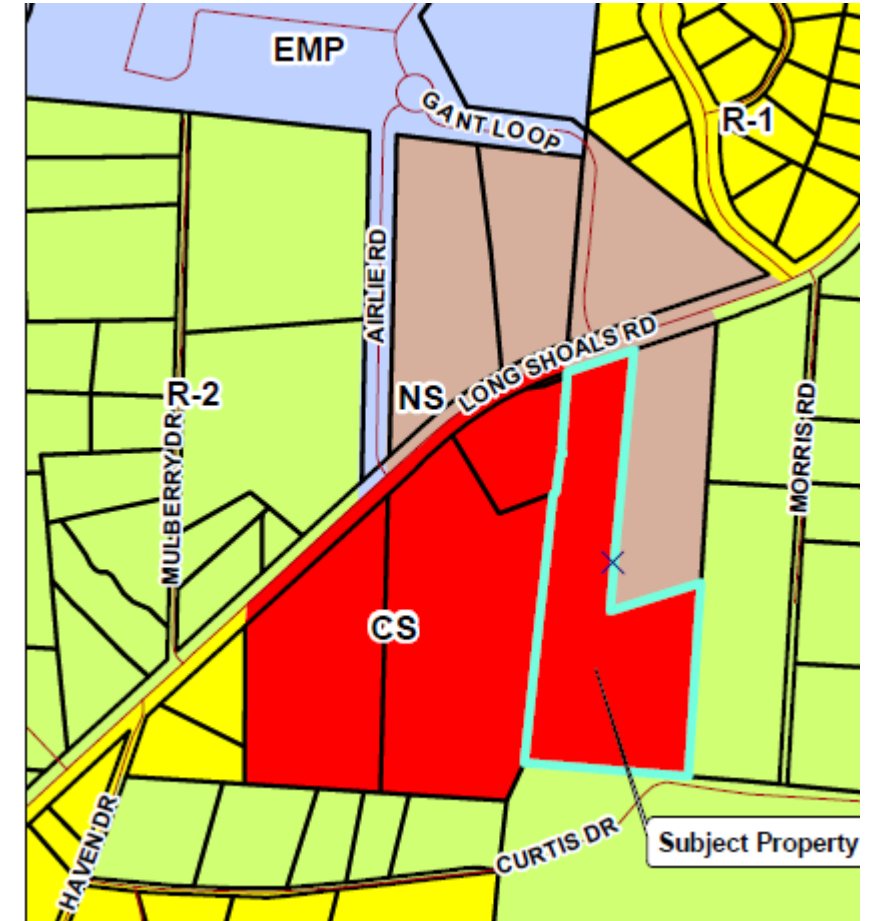
Rezoning Information



Current Zoning:
NS



Proposed Zoning:
CS

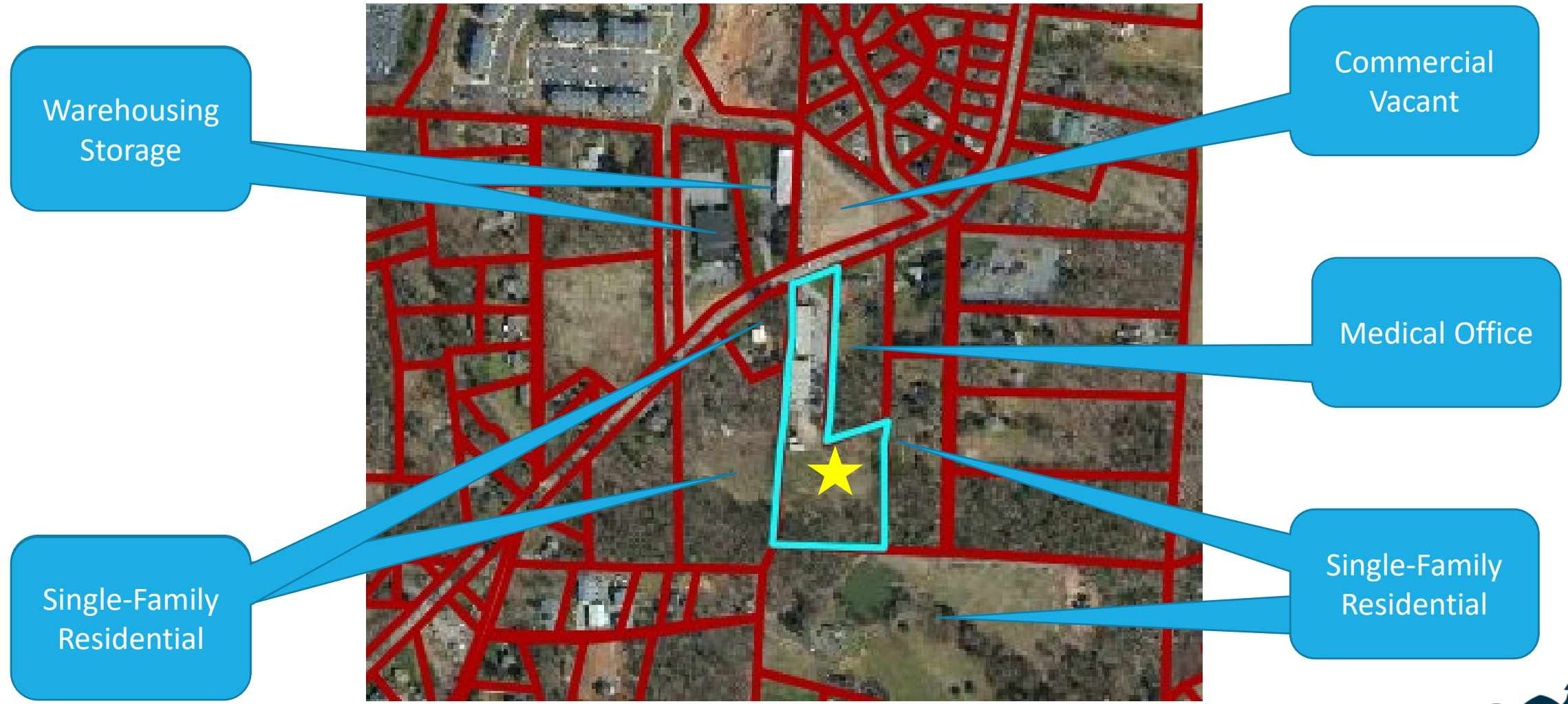


Bulk Standards

Allowable Density/Dimensional Standards	Existing District:	Proposed District:
	NS Neighborhood Service	CS Commercial Service
Minimum Lot Size	30,000 SF No Public Sewer 10,000 SF Public Sewer/No Water 5,000 SF Public Water and Sewer	30,000 SF No Public Sewer 10,000 Public Sewer/No Water 5,000 SF Public Water/Sewer
Max dwelling units/acre	12	12
Setbacks (Front/Side/Rear)	10/7/15 w/sewer 20/10/20 no sewer	10/10/10
Max height	35 feet	50 feet



Surrounding Development Pattern in Immediate Area



Action by the Planning Board

- Public hearing held on July 17, 2023
- Voted unanimously to forward a recommendation of approval to the Board of Commissioners.



ZONING MAP AMENDMENT (REZONING) INFORMATION

What is a Zoning Map Amendment (Rezoning)?

The Official Zoning Map is a map, adopted by the Buncombe County Board of Commissioners, which breaks the unincorporated areas of Buncombe County into zoning districts. Regulations pertaining to each zoning district are described in the Buncombe County Zoning Ordinance, including a list of the land use types that may be permitted within each district. A land owner may submit an application for a Zoning Map Amendment ("Rezoning") to change the zoning district to which their property has been assigned. Once a property is rezoned, any use allowed in that Zoning district, as listed in *Section 78-641 Permitted Uses* of the Zoning Ordinance, could be permitted.

Who decides if I will get a Map Amendment?

The proposed rezoning is first reviewed by the Buncombe County Planning Board, which makes a recommendation to approve or deny the proposal. The Planning Board's recommendation is then presented to the Board of Commissioners, which makes the final decision. The Planning Board and Board of Commissioners must consider issues of neighborhood compatibility, zoning consistency, and Comprehensive Land Use Plan priorities for development when considering a rezoning request.

When will my application be decided?

The Planning Board meets the first and third Monday of every month at 9:30am. Staff will confirm your meeting date upon submittal of your application. The applicant or their chosen representative **should be present** at the meeting in order to receive a review by the Board. Applications must be received by the Planning Department 30 days prior to the scheduled Board meeting.

What is the process for obtaining a Map Amendment?

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the proposed rezoning.
2. **Submit Application:** At least 30 days prior to the public hearing date.
3. **Public Notice # 1:** Public notice procedures for the Planning Board hearing will be conducted by County staff. Staff must notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements of the public hearing.
4. **Public Hearing # 1:** The Planning Board will hear a summary of Staff's recommendations, information presented by the applicant, statements by the public, and will recommend approval or denial.
5. **Public Notice # 2:** Public notice procedures are repeated for the Board of Commissioner's meeting.
6. **Public Hearing # 2:** The Board of Commissioners will review Planning Board and Staff recommendations, hear statements by the public, and make a final decision at a public hearing to approve or deny the proposal.

Is the Board of Commissioner's decision the final step?

Yes. The Zoning Map amendment process is complete, and the Board of Commissioner's decision takes effect, immediately following a majority decision to approve or deny the request. Once approval is received, the applicant may seek approval to develop the property in accordance with the Zoning, Subdivision, and other ordinance requirements for the approved Zoning district.

What else should I know?

Sometimes, an application is continued to another meeting due to a lack of a quorum or insufficient information, or sent back to the Planning Board for further deliberation. If this occurs, please note that the change in your Planning Board meeting date will also alter your scheduled Board of Commissioners meeting date. Contact the Planning Department for any questions about your assigned meeting dates.



BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Application for a Zoning MAP AMENDMENT (Rezoning)

A PRE-SUBMITTAL CONFERENCE WITH THE PLANNING DEPARTMENT
IS REQUIRED PRIOR TO SUBMITTAL.

A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 9634 7536 0900 000

Address(es): 565 Long Shoals Road Arden, NC 28704

Acreage: 4.97

B. Zoning Classification

Current zoning district(s): NS Requested zoning district(s)*: CS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information

Property Owner Contact Information (If different)

Long Shoals Business Center LLC
Company/Corporate Name (if applicable)

Li Yueh Hu
Applicant's Name

1000 Pearl Mist Dr. SW
Mailing Address

Lilburn, GA 30047
City, State, and Zip Code

(678) 697 9827
Telephone

liyuehhu@gmail.com
Email

Ting Kuo Yu Li Yueh Hu
Owner's Name

1000 Pearl Mist Dr. SW
Mailing Address

Lilburn, GA 30047
City, State, and Zip Code

(470) 779 9707
Telephone

liyuehhu@gmail.com
Email

OFFICE USE ONLY:

Date Received: _____

Pre-Submittal meeting with: _____

Case Number: ZPH _____ - _____

Owner's Affidavit Submitted: ☐ Yes ☐ No

Planning Board Hearing Date: _____

D. MAP AMENDMENT CONSISTENCY & APPROPRIATENESS

Please answer the following questions (if necessary attach a separate sheet of paper):

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

Our lot is 4.97 acres, comparable to the adjacent lot of 5.35 acres. In 2020 this adjacent lot, 569 Long Shoals Rd, has been re-zoned into CS.

2. Describe how the proposed rezoning is consistent with the Buncombe 2043 Comprehensive Plan.

Please reference the most current version (available on the BC Planning Department website).

Buncombe County has witnessed a large influx of new residents over the past decade. To support this population growth, new, affordable housing is needed. The reclassification of our parcel at 565 Long Shoals Rd from NS to CS will open up more development opportunities such as small lot, compact housing units. This will promote equity by keeping housing affordable to disadvantaged individuals in the area. Furthermore, the rezoning from NS to CS will encourage more diverse services to come to our business park. This will better serve residents without a car and promote equity. For example, a CS zoning allows for hospitals and other inpatient health care facilities, so individuals living in apartments nearby will be able to get medical care by walking to our business park. Also, a CS designation allows for retail services such as supermarkets. Individuals from nearby communities will be able to get groceries without a car. In summary, we believe that the rezoning of our parcel will help support the growth of community and foster equity.

3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

Since there are multiple large scale apartment complexes in the area, we believe that the re-classification of our property to CS will produce little adverse effect to the community in terms of traffic or noise. On the other hand, our property stands to benefit the growing community by expanding the diversity of services in the area.

4. Is/are the applicant(s) listed below the owner(s) of the property? ☒ Yes ☐ No

If the applicant(s) listed herein are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit must be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 5 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

- I hereby certify that I am the owner, authorized agent of the owner, or have provided legal notification to the owner, and the above information is correct to the best of my knowledge and hereby make application for a Zoning Map Amendment. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

Li Yeh Hu

Signature of Applicant

Li Yeh Hu

Signature of Owner

Signature of Applicant

Ting Kuo Yu
Signature of Owner

Signature of Applicant

Signature of Owner

Signature of Applicant

Signature of Owner

Signature of Applicant

Signature of Owner

Signature of Applicant

Signature of Owner



BUNCOMBE COUNTY
 NORTH CAROLINA
PLANNING & DEVELOPMENT
 (828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

NOTE TO USER: THIS VERSION OF SECTION E.
 CERTIFICATION IS FOR USE IN CASES WHERE
 NUMEROUS PROPERTIES, OWNED BY
 NUMEROUS PROPERTY OWNERS, ARE
 INVOLVED IN THE REZONING APPLICATION

**Application for a Zoning
 MAP AMENDMENT**
Multiple Lots and Owners

E. CERTIFICATION

E.1. Required Information: Each property owner who is participating in this rezoning application must complete this form. Each owner or group of owners (corporation, LLC, trust, or similar) should provide their information on a separate form. Owners of multiple properties within the rezoning area may use one form to list all affected properties. Use additional forms if necessary.

E.1.1. Location of Properties Proposed for Rezoning

	Physical E-911 Address	<i>Street number, name, city, state, zip code. You may verify your E911 Address at https://discover.buncombecounty.org/</i>	PIN Number	<i>15-digit unique identifier for each parcel. PIN numbers can be found on your tax bill or online at https://gis.buncombecounty.org/buncomap/. Example: 965415728000000 or 9654-15-7280</i>
1	565	Long Shoals Road Arden, NC 28704	9634	7536 0900 000
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

E.1.2. Contact Information and Certification of All Owners of Above-Referenced Property or Properties.

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	Corporate Title (if applicable)	Mailing Address <i>Street number, name, city, state, zip code</i>	Telephone Number	Email Address
1	Li Yueh Hu		1000 Pearl Mist Dr. SW Lilburn, GA 30047	678 697 9827	liyuehhu@gmail.com
	Owner Signature: <i>Li Yueh Hu</i> Date: <i>Jan 103/2023</i>		Applicant/ Designated Representative - Name: Signature: _____ Date: _____		
2	Ting Kuo Yu		1000 Pearl Mist Dr. SW Lilburn, GA 30047	470 779 9707	
	Owner Signature: <i>Ting-kuo Yu</i> Date: <i>Jan 103/2023</i>		Applicant/ Designated Representative - Name: Signature: _____ Date: _____		
3					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: _____ Date: _____		
4					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: _____ Date: _____		

E.1.2. Contact Information and Certification of All Owners continued.

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	Corporate Title (if applicable)	Mailing Address <i>Street number, name, city, state, zip code</i>	Telephone Number	Email Address
5					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
6					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
7					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
8					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

E.1.2. Contact Information and Certification of All Owners continued.

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	Corporate Title (if applicable)	Mailing Address <i>Street number, name, city, state, zip code</i>	Telephone Number	Email Address
9					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
10					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
11					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
12					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

Public Hearings

Department: Planning

Presenter(s): Shannon Capezzali, AICP

Contact(s): Shannon Capezzali

Subject: Warren Wilson Rezoning Request

Brief Summary: William H. Christy, on behalf of Warren Wilson College, has requested to rezone a 4.5 acre portion of one (1) parcel of land from R-2 (Residential District) to PS (Public Service District).

Recommended Motion & Requested Action:

1. Planning Staff recommends approval of the request
2. The Planning Board unanimously recommends approval of the request

County Manager's Comments and Recommendation: County Manager recommends as presented.



BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

ZONING MAP AMENDMENT

STAFF ANALYSIS

Legislative Hearing

LOCATION MAP		A. CASE	
		ZPH2023-00021	
		Warren Wilson Rezoning	
		B. PROPERTY INFORMATION	
		PIN(s): 9679-54-4937 Addresses: 111 Upper College Road, Swannanoa Owner(s): Warren Wilson College Acreage: 4.5+/- acres for rezoning area Utilities: Public water and sewer Access Road: Warren Wilson Road (State road)	
C. REZONING REQUEST			
Summary: Warren Wilson College has requested to rezone a roughly 4.5 acre portion of a 1,000+ acre parcel of land from R-2 (Residential) to PS (Public Service). The majority of the parcel is currently zoned PS.		Existing: R-2 Residential	
		Proposed: PS – Public Service	
D. PUBLIC NOTICE		Planning Board	Board of Commissioners
Citizen Times		7/5/23	8/2/23 and 8/9/23
Mailed to owners within 1,000 ft:		7/5/23	8/4/23
BC website:		7/5/23	8/4/23
Physical posting on site		6/29/23	8/4/23
Hearing Date:		7/17/23	8/15/23
E. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW			
COUNTY STAFF: APPROVAL PLANNING BOARD: APPROVAL		Staff recommends approval of the rezoning application as it conforms to many of the recommendations from the Comprehensive Plan's GEC Character Map, the Plan Policies and Actions, an analysis of neighborhood consistency, and the equity analysis. See the sections below for detailed analysis.	

F. SPOT ZONING ANALYSIS

Spot Zoning: A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." *Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*

CONSISTENTPOTENTIAL
SPOT
ZONING**1. Staff Analysis of spot zoning:**

The subject acreage is adjacent to property currently zoned PS on three sides. Based on the nature of the request, Staff does not have concerns related to spot zoning.

X

G. 2043 COMPREHENSIVE PLAN CONSISTENCY

PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.

GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):CONSISTENTNOT
CONSISTENT**1. FLUM CATEGORY DESCRIPTION**

The proposed rezoning is consistent with the Character area description of 'Institutional' where this parcel is located.

X

2. WASTEWATER & POTABLE WATER TYPE

The parcel has access to public water and sewer.

X

3. DENSITY

The proposed zoning district has a maximum density of up to 12 units an acre and the Character area recommends low density development.

X

4. PRIMARY AND SECONDARY LAND USES

The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.

X

PLAN POLICIES AND ACTIONS:CONSISTENTNOT
CONSISTENT**5. Proximity to Transportation Corridor (Transportation Action 4)**

The parcel is less than 1 mile from a major transportation corridor, US Hwy 70. The section of the parcel for rezoning is roughly 2 miles away.

X

6. Support higher density residential development near job centers and amenities (Transportation Action 4)

The proposed rezoning would not change the amount of residential density allowed per acre. In addition, the Institutional Character Land Use does not recommend higher density development in these areas. Not applicable.

N/A

7. Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and

X

increase the capacity to sustain the county's existing biodiversity (<i>Env. Conserv. Action 3</i>) This parcel is currently an established college and working farm. The area to be rezoned has been previously used for farming and residential structures.		
8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration (<i>Env. Conserv. Action 3</i>) This rezoning would not cause the fragmentation of a large forest block. The area around this acreage is already zoned PS.	X	
9. Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc. (<i>Economic Dev. Action 2</i>) The rezoning of this portion of the acreage will increase the land use options for the existing college in an area that was historically used for farming and residential homes. This rezoning is consistent with the GEC Character recommendations for an Institutional use.	X	
10. Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map (<i>Economic Dev. Action 3</i>) Parcel is not within one of the listed Character Areas. Not Applicable.	N/A	
11. Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA's Environmental Justice Screening Tool (<i>Health Action 7</i>) The parcel is not in an area identified on the red lining map of Asheville and has a low Equity Index Rank on the Community Index Map.	N/A	
ENVIRONMENTAL:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The acreage to be rezoned is not within an Overlay District.	X	
13. Regulated Flood Hazard Areas The acreage to be rezoned is not located within a regulated flood hazard area.	X	
14. High or Moderate Hazard Stability Areas The acreage to be rezoned does not contain hazard stability areas.	X	

H. NEIGHBORHOOD CONSISTENCY			CONSISTENT	NOT CONSISTENT
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:			X	
DIRECTION	ZONING	ADJACENT USES		
NORTH	PS Public Service	Residential and vacant		
EAST	PS Public Service	Vacant		
SOUTH	PS and R-2 Residential	Warren Wilson College and multi-family residential		
WEST	PS Public Service	Warren Wilson College		
2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? <i>(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)</i> The rezoning of the property from R-2 to PS will make the acreage consistent with the surrounding parcel's zoning.			X	
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? The existing use of the parcel is for a college. Rezoning this acreage will allow the parcel to be zoned consistently.			X	
4. DENSITY & DIMENSIONAL STANDARDS COMPARISON:				
	Existing Zoning District:	Proposed District:		
	R-2 Residential	PS Public Service		
Min. Lot Size (SF)	30,000 SF No Public Sewer 10,000 SF Public Sewer/No Water 6,000 SF Public Water and Sewer	30,000 SF No Public Sewer 10,000 Public Sewer/No Water 5,000 SF Public Water/Sewer		
Max. dwelling units per acre	12	12		
Setbacks (Front/Side/Rear)	10/7/15 w/sewer 20/10/20 no sewer	20/10/20		
Max. height	35 feet	50 feet		
5. ALLOWED DEVELOPMENT TYPES AFTER CHANGE: The proposed rezoning would allow additional uses in the PS district that are not currently allowed in the R-2 district. Examples of uses that would be allowed after the rezoning include Commercial Planned Unit Developments, banks, lodges, commercial greenhouses, hotels, medical clinics, motor vehicle maintenance or sales, business offices, telecommunication towers, restaurants, retail trade, schools, storage and warehousing, travel trailer parks, and vacation rental complexes.				

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

This property is the current home of Warren Wilson College, the majority of which is zoned PS. A roughly 4.5 acre portion was originally zoned R-2 Residential as it contained faculty housing.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-2

The R-2 Residential District is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future.

These areas will usually be adjacent to R-1 Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks.

PROPOSED ZONING DISTRICT – PS

The PS Public Service District is intended to be a district that includes, but is not limited to, governmentally owned properties; schools and large college properties; recreation parks and facilities; emergency services; and community clubs.

Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

J. EQUITY ANALYSIS

1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff's Equity Analysis for this rezoning:

This parcel is in an area of the county that has a low Equity Index Rank on the Community Index Map, meaning that it is not identified as an Equity Opportunity Area (EOA) where BIPOC or other historically disadvantaged communities live or work. As the majority of the parcel is already zoned PS, there are no anticipated negative consequences from this action.

2. BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with the adopted 2043 Comprehensive Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

2. BOARD OPTIONS

The following options are available to the Board:

- a. Recommend approval of the proposed rezoning, as presented.
- b. Recommend approval of a portion of the proposed rezoning.
- c. Recommend denial of the proposed rezoning, as presented.

3. ATTACHMENTS

- Application
- Maps
- Power Point Presentation

PLANNING BOARD'S WRITTEN RECOMMENDATION TO THE BUNCOMBE COUNTY
BOARD OF COMMISSIONERS TO APPROVE APPLICATION ZPH2023-00021
REQUESTING AN AMENDMENT TO THE OFFICIAL ZONING MAP

WHEREAS, the Zoning Administrator for Buncombe County has received an application (ZPH2023-00021, 111 Upper College Road, WARREN WILSON MAP AMENDMENT) requesting an amendment to The Official Zoning Map of Buncombe County on the parcel(s) depicted in the map attached hereto as "Exhibit A" and identified as follows:

PIN(s): 9679-54-4937
Addresses: 111 Upper College Road
Owner(s): Warren Wilson College
Applicant(s): William H. Christy, on behalf of Warren Wilson College

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-2 Residential District to the PS – Public Service District; and

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this application was considered have been properly mailed to members of the Planning Board, the applicant(s), owner(s), and all adjoining property owners at least ten (10) days prior to the meeting; public notice of the meeting has been properly published in a newspaper having general circulation in the County; and notices of the public hearing concerning this zoning map amendment have been prominently posted as required; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Planning Board duly advertised and held a public hearing to consider the proposed amendment; and

WHEREAS, pursuant to Buncombe County Code of Ordinances Sec. 78-717 and N.C. Gen. Stat. § 160D-604(d), the Planning Board has advised and commented on "whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable" and has provided "a written recommendation to the board of county commissioners" concerning the same (said written recommendation, which is incorporated herein by reference, is attached hereto as "Exhibit B"); and

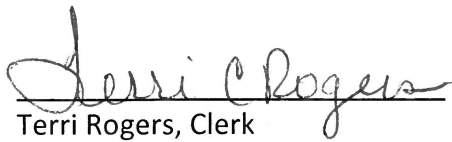
WHEREAS, the Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed map amendment by a vote of **6 to 0**.

NOW, THEREFORE, THE BUNCOMBE COUNTY PLANNING BOARD HEREBY RECOMMENDS AS FOLLOWS:

1. The Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed Zoning Map amendment as presented in Exhibit A.

Read, approved and adopted this the 17th day of July 2023.

ATTEST


Terri Rogers, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Chair

APPROVED AS TO FORM


County Attorney 

Consented to (**YES/NO**):

Planning Board Members:

Nancy Waldrop, Chair - Yes
John Noor – Absent
Cindy Weeks - Yes
Tim Collins - Yes
Ken Kahn - Yes
Mike Fisher - Absent
Eric Robinson - Yes
Alan Coxie – Yes
Billy Taylor - Absent

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s): 9679-54-4937
Addresses: 111 Upper College Road
Owner(s): Warren Wilson College
Applicant(s): William H. Christy, on behalf of Warren Wilson College

PROPOSED ZONING DISTRICT – PS

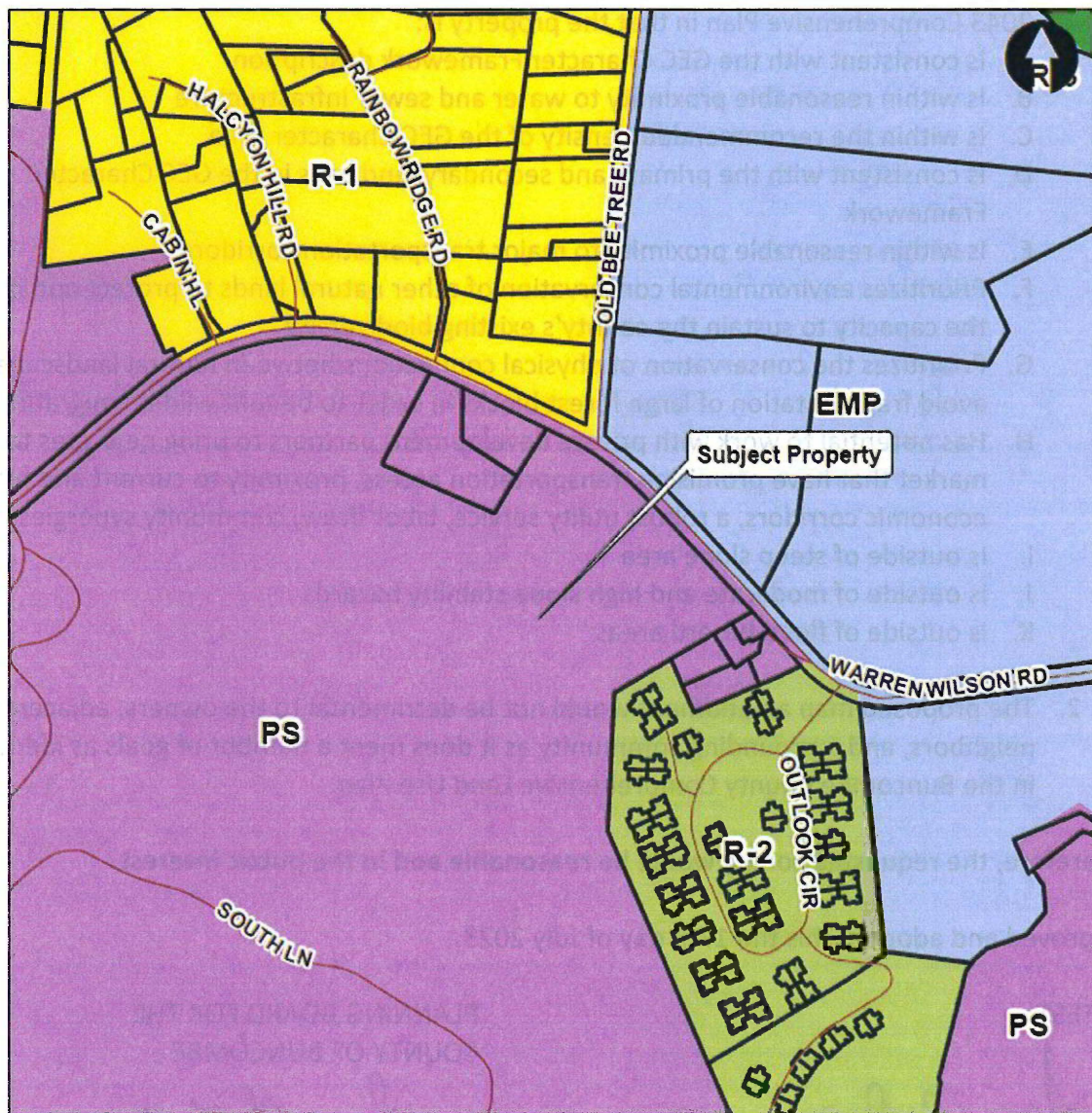


Exhibit B

PLAN CONSISTENCY STATEMENT

ZONING MAP AMENDMENT
CONSISTENT WITH PLAN

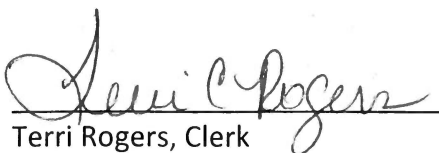
Pursuant to N.C. Gen. Stat. §160D-604(d) the Buncombe County Planning Board hereby approves and adopts the following Plan Consistency Statement for the rezoning of tax lot PIN(s) 9679-54-4937, from the R-2 Residential District to the PS - Public Service District. The Board finds the following:

1. The proposed rezoning of the subject property is consistent with the Buncombe County 2043 Comprehensive Plan in that the property is:
 - A. Is consistent with the GEC Character Framework description
 - B. Is within reasonable proximity to water and sewer infrastructure
 - C. Is within the recommended density of the GEC Character area
 - D. Is consistent with the primary and secondary land uses in the GEC Character Framework
 - E. Is within reasonable proximity to major transportation corridors
 - F. Prioritizes environmental conservation of other natural lands to protect and increase the capacity to sustain the county's existing biodiversity
 - G. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - H. Has potential to work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
 - I. Is outside of steep slope area
 - J. Is outside of moderate and high slope stability hazards
 - K. Is outside of flood hazard areas
2. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it **does** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan.

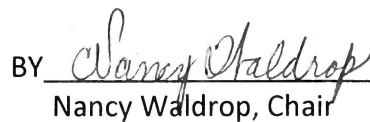
Therefore, the requested zoning would be **reasonable and in the public interest**.

Approved and adopted this the 17th day of July 2023.

ATTEST


Terri Rogers, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Chair

ORDINANCE NO. 23-08-11

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY, CHAPTER 78,
ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF
BUNCOMBE COUNTY
ZPH2023-00021

WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;

WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;

WHEREAS, pursuant to N.C. Gen. Stat. §160D-6-2, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;

WHEREAS, the Planning Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to rezone the below listed parcels, and shown herein as Exhibit A:

Case: ZPH2023-00021
PIN(s): 9679-54-4937
Addresses: 111 Upper College Road
Owner(s): Warren Wilson College
Applicant(s): William H. Christy

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-2 Residential District to the PS Public Service District as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference; and,

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on July 17, 2023, at which meeting a motion to approve the proposed map amendment passed by a vote of **6 to 0**; and,

WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of

Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

- a) The proposed rezoning of the subject property is consistent with the Buncombe County 2043 Comprehensive Plan in that the property:
 - i. Is consistent with the GEC Character Framework description
 - ii. Is within reasonable proximity to water and sewer infrastructure
 - iii. Is within the recommended density of the GEC Character area
 - iv. Is consistent with the primary and secondary land uses in the GEC Character Framework
 - v. Is within reasonable proximity to major transportation corridors
 - vi. Prioritizes environmental conservation of other natural lands to protect and increase the capacity to sustain the county's existing biodiversity
 - vii. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - viii. Has potential to work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
 - ix. Is outside of steep slope area
 - x. Is outside of moderate and high slope stability hazards
 - xi. Is outside of flood hazard areas
- b) The proposed map amendment would **not be detrimental** to the owners, adjacent neighbors, and surrounding community as it **does** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update.
- c) Therefore, the requested zoning would be **reasonable** and **in the public interest**.

Section 2. This Board does hereby **approve** the request to rezone PIN(s) 9679-54-4937, 111 Upper College Road, Buncombe County, NC, from R-2 Residential District to PS Public Service District, as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference;

Section 3. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;

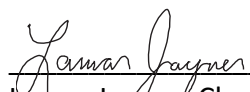
Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

BY 

Brownie Newman, Chairman

APPROVED AS TO FORM



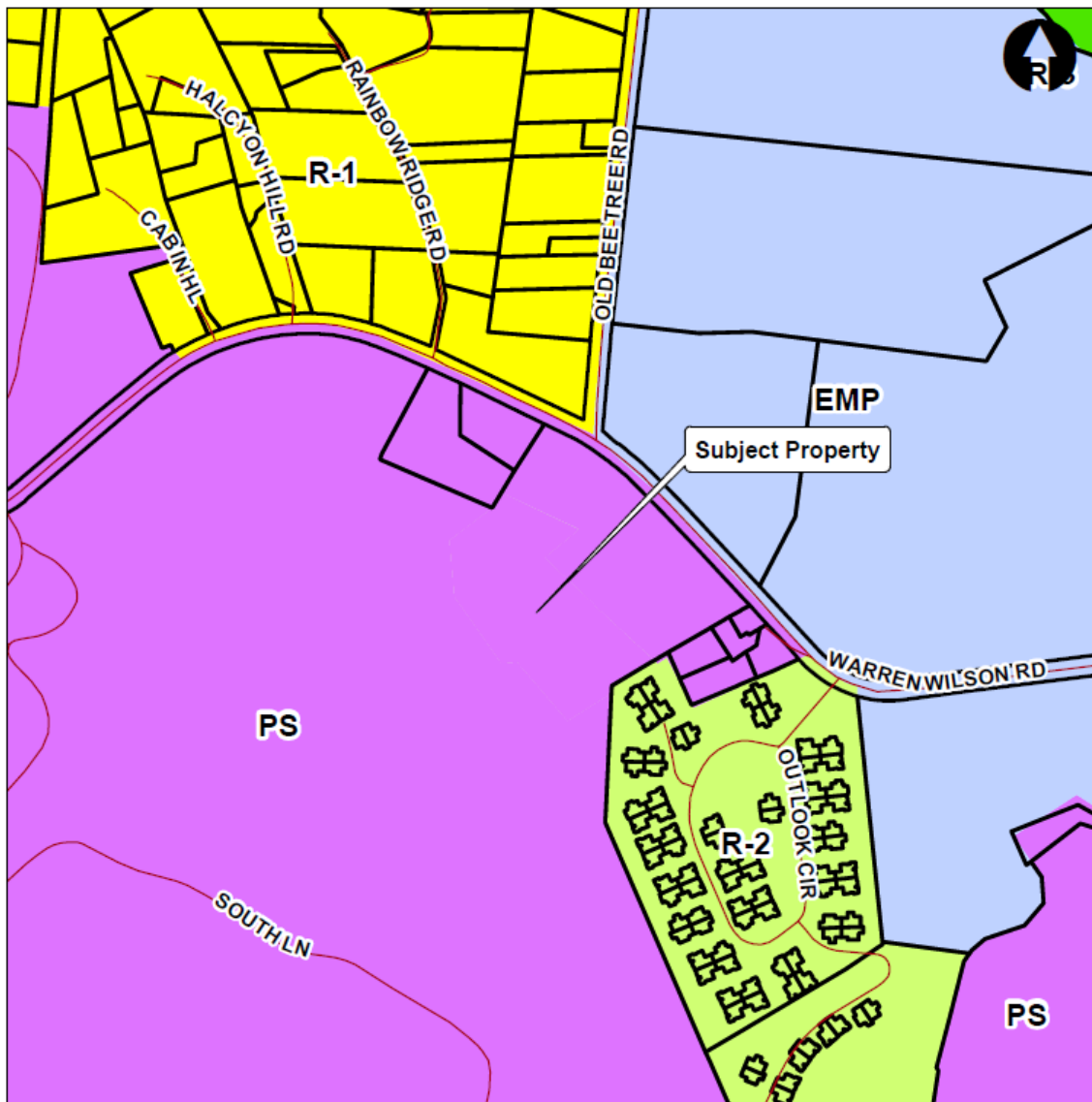
County Attorney

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s): 9679-54-4937
Addresses: 111 Upper College Road
Owner(s): Warren Wilson College
Applicant(s): William H. Christy, on behalf of Warren Wilson College

PROPOSED ZONING DISTRICT – PS



RESOLUTION NO. _____

RESOLUTION DENYING A REQUEST TO AMEND
THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY,
CHAPTER 78, ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES,
THE ZONING ORDINANCE OF BUNCOMBE COUNTY
ZPH2023-00021

-
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;
- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-6-2, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;
- WHEREAS, the Planning Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to rezone the below listed parcels, and shown herein as Exhibit A:
- Case: ZPH2023-00021
PIN(s): 9679-54-4937
Addresses: 111 Upper College Road
Owner(s): Warren Wilson College
Applicant(s): William H. Christy
- WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-2 Residential District to the PS Public Service District as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference; and,
- WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on July 17, 2023, at which meeting a motion to approve the proposed map amendment passed by a vote of **6 to 0**; and,
- WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances , the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

- 1.1. Said zoning change is **inconsistent** with the Buncombe 2043 Comprehensive Plan because the proposed rezoning is:

Insert Finding

- 1.2. Said rezoning **would be detrimental** to the owners, adjacent neighbors, and surrounding community as it **does not** meet a number of goals as identified in the Buncombe 2043 Comprehensive Plan.

- 1.3. Therefore, the requested zoning would be **unreasonable** and **not in the public interest**.

Section 2. This Board does hereby **deny** the request to rezone PIN(s) 9679-54-4937, 111 Upper College Road, Buncombe County, NC, from R-2 Residential District to PS Public Service District, as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference;

Section 3. This resolution is effective upon adoption.

Read, approved and adopted this the 15th day of August, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

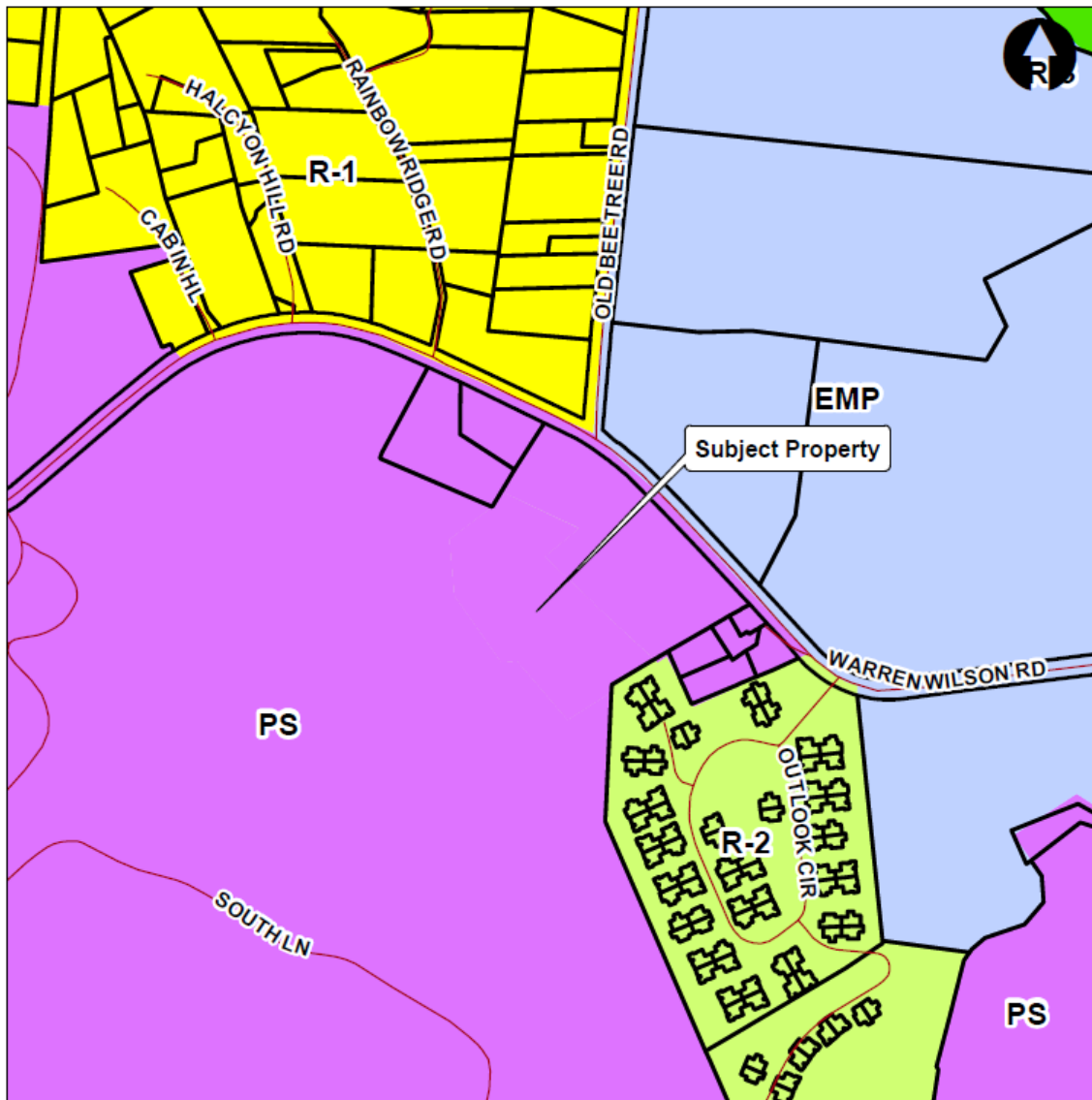
County Attorney

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s): 9679-54-4937
Addresses: 111 Upper College Road
Owner(s): Warren Wilson College
Applicant(s): William H. Christy, on behalf of Warren Wilson College

PROPOSED ZONING DISTRICT –PS





0 375 750 1,500 Feet

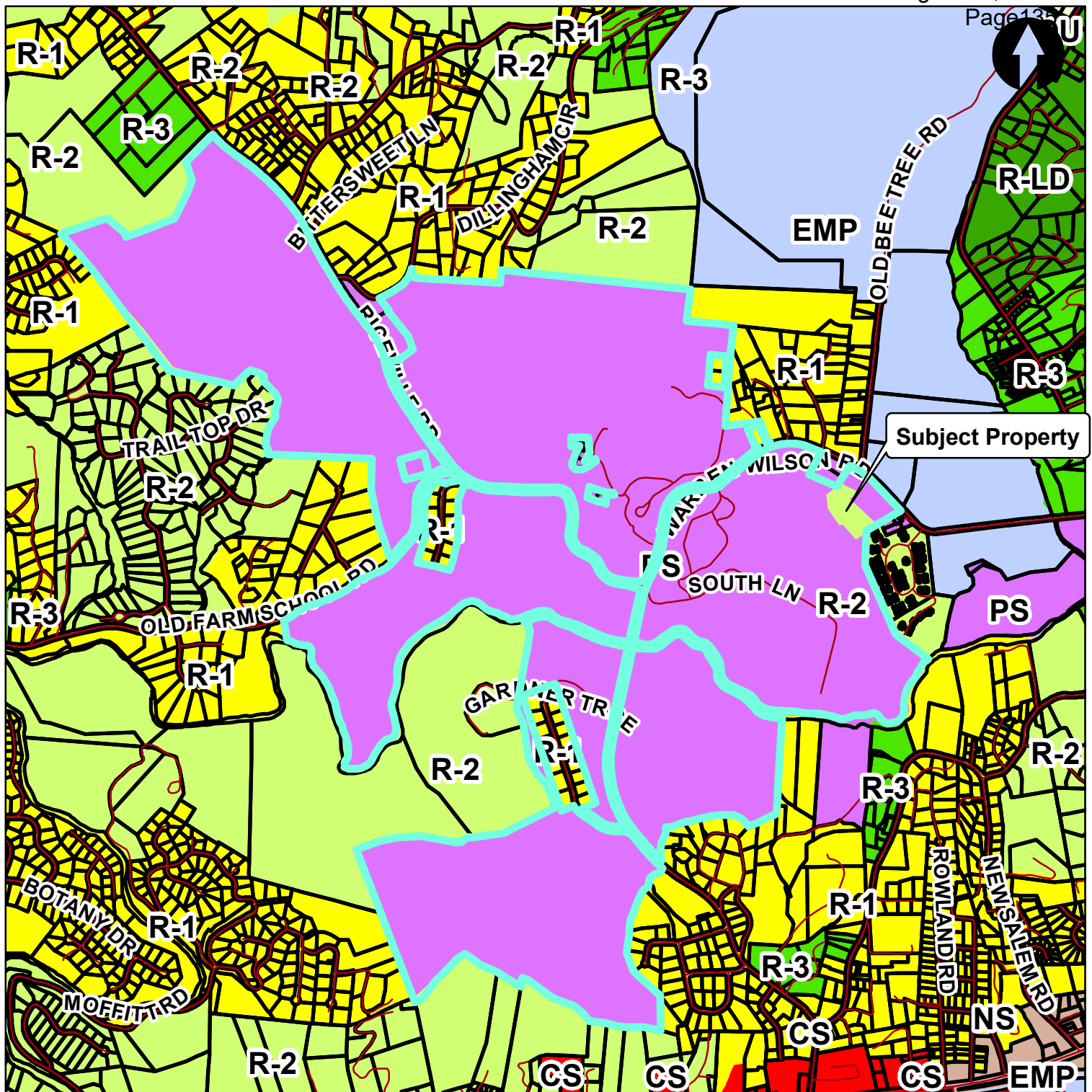
749 Warren Wilson Rd
PIN 9679-54-4937

ZPH2023-00021 Warren Wilson Map Amendment

— Roads
— Property Boundaries

Aerial Map

Created By: Buncombe Co. Planning
Date: 6/23/2023



0 1,500 3,000 6,000 Feet

749 Warren Wilson Rd
PIN 9649-54-4937

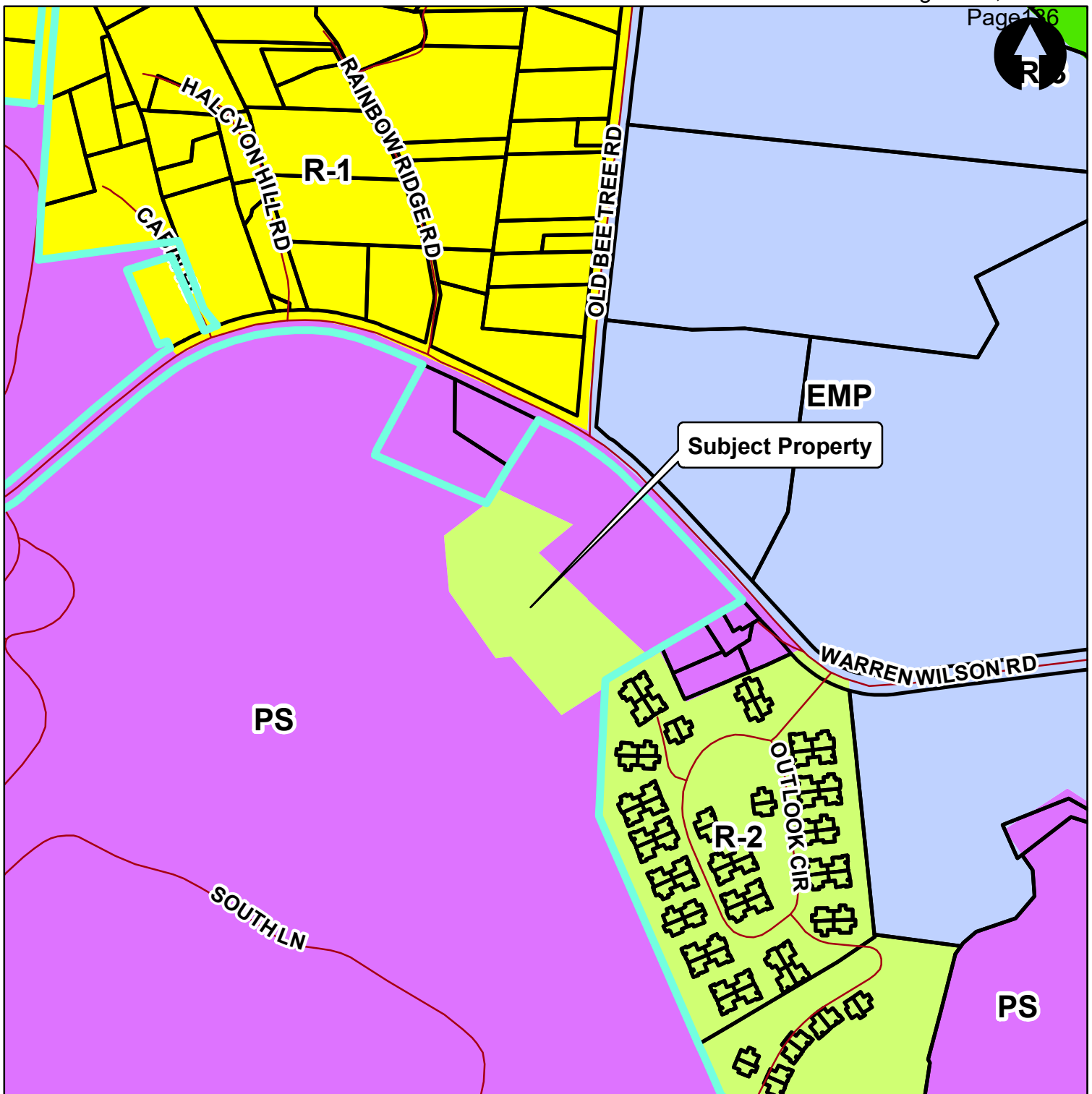
ZPH2023-00021

Warren Wilson

Map Amendment

Zoning Map

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD



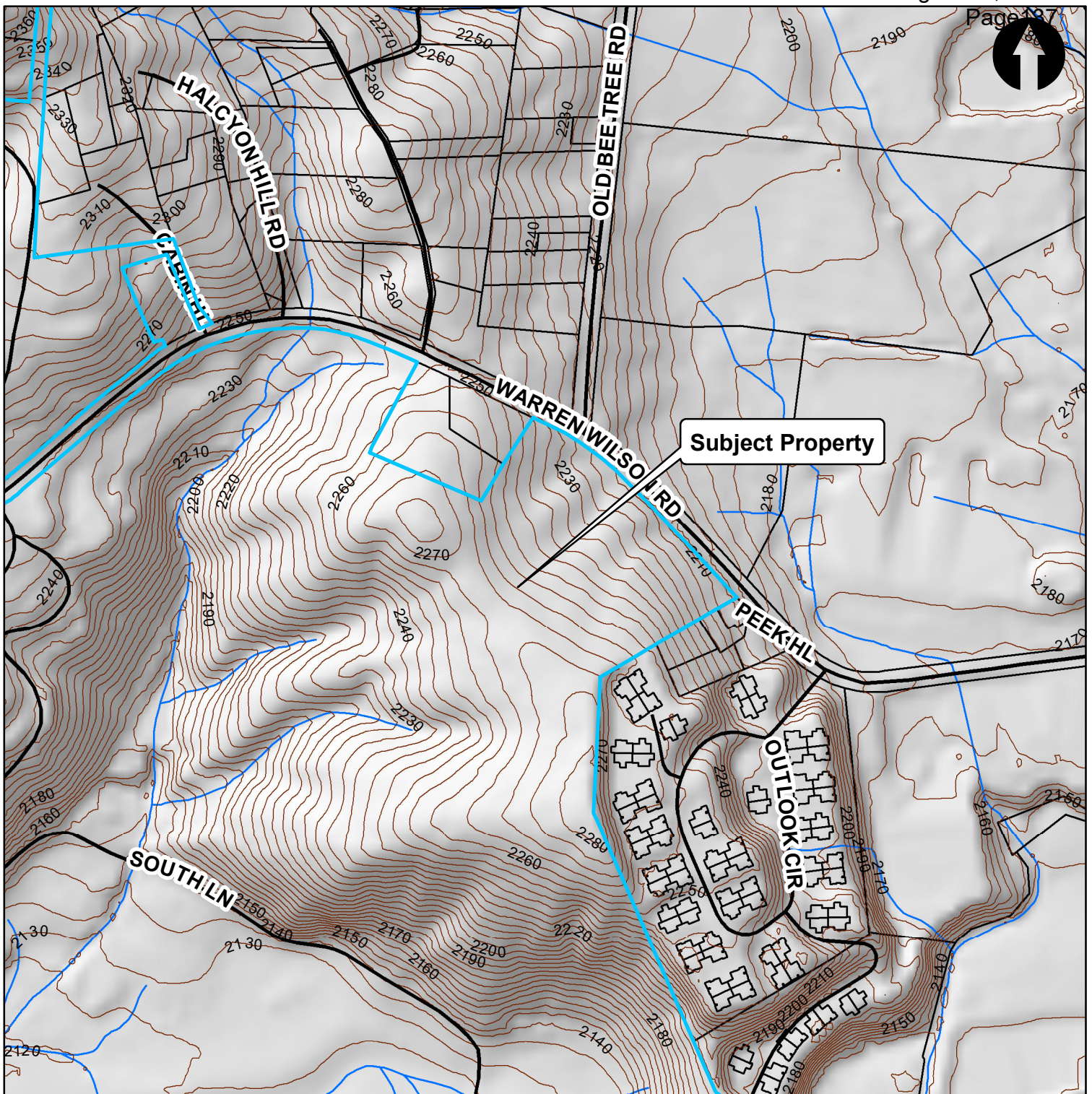
0 375 750 1,500 Feet

749 Warren Wilson Rd
PIN 9679-54-4937

ZPH2023-00021 Warren Wilson Map Amendment

Zoning Map Detail

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD



0 375 750 1,500 Feet

749 Warren Wilson Rd
PIN 9649-54-4937

ZPH2023-00021

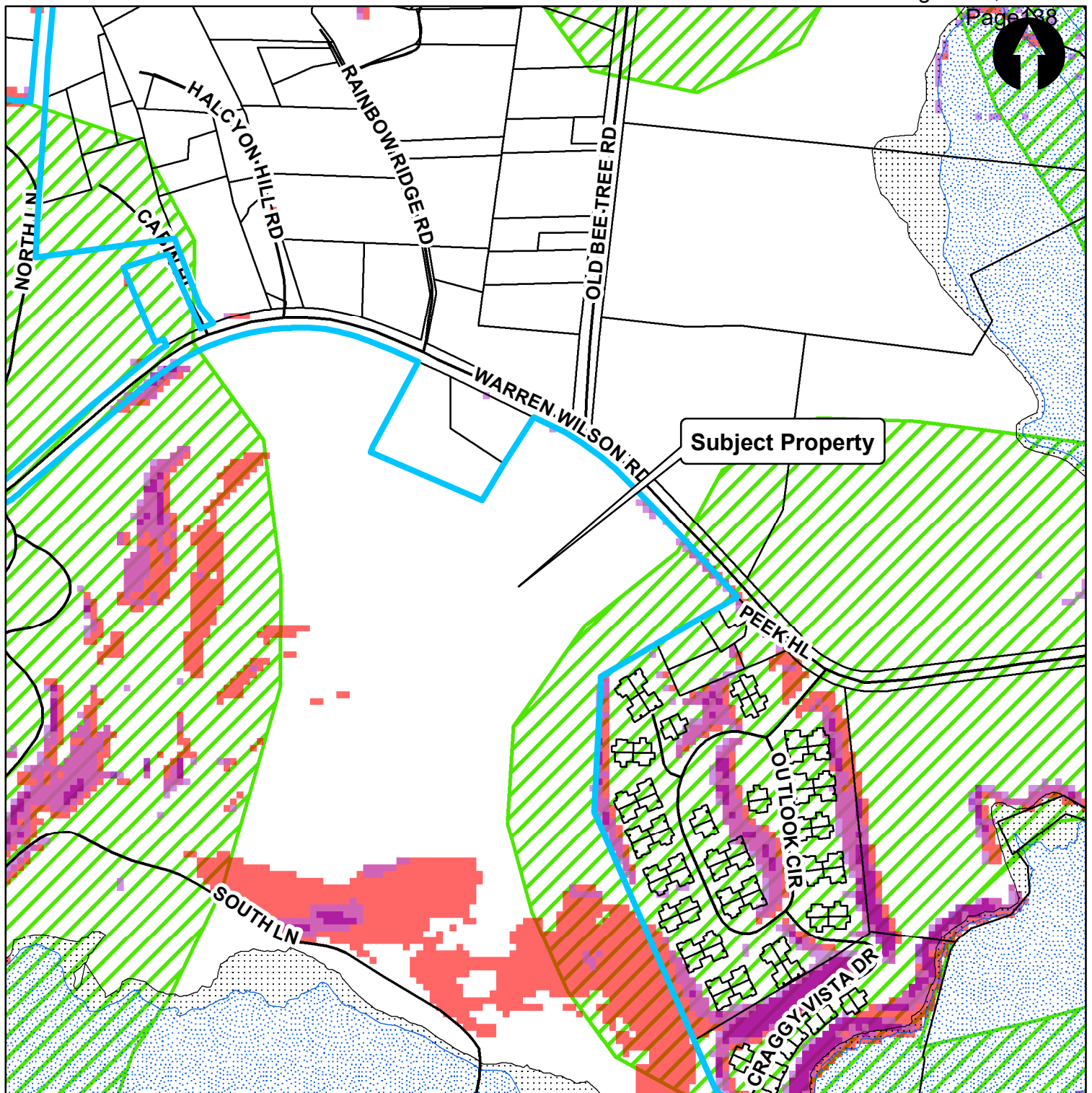
Warren Wilson

Map Amendment

Topo Map

Created By: Buncombe Co. Planning
Date: 6/23/2023

-  Roads
-  5 Foot Contours
-  Property Boundaries



749 Warren Wilson Rd
PIN 9649-54-4937

ZPH2023-00021 Warren Wilson Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 6/23/2023

	500 yr		0 - 25 % Slope
	A - 100yr		Greater than 25% Slope
	AE - 100 yr		Greater than 2500'
	High Hazard		Proximity to Public Utilities
	Moderate Hazard		Transportation Corridors
	Low Hazard		



ZPH2023-00021 Warren Wilson Zoning Map Amendment

Presented by

Shannon Capezzali, AICP
Planning & Development Department



Hearing Notification

- ✓ CASE NUMBER: ZPH2023-00021
- ✓ Notice in Avl Citizen Times legal ad: 8/4 AND 8/11/2023
- ✓ Notice mailed to owners within 1,000 ft: 8/4/2023
- ✓ Physical posting: 8/4/2023
- ✓ Notice on BC Website: 8/4/2023
- ✓ Public Hearing: 8/15/23



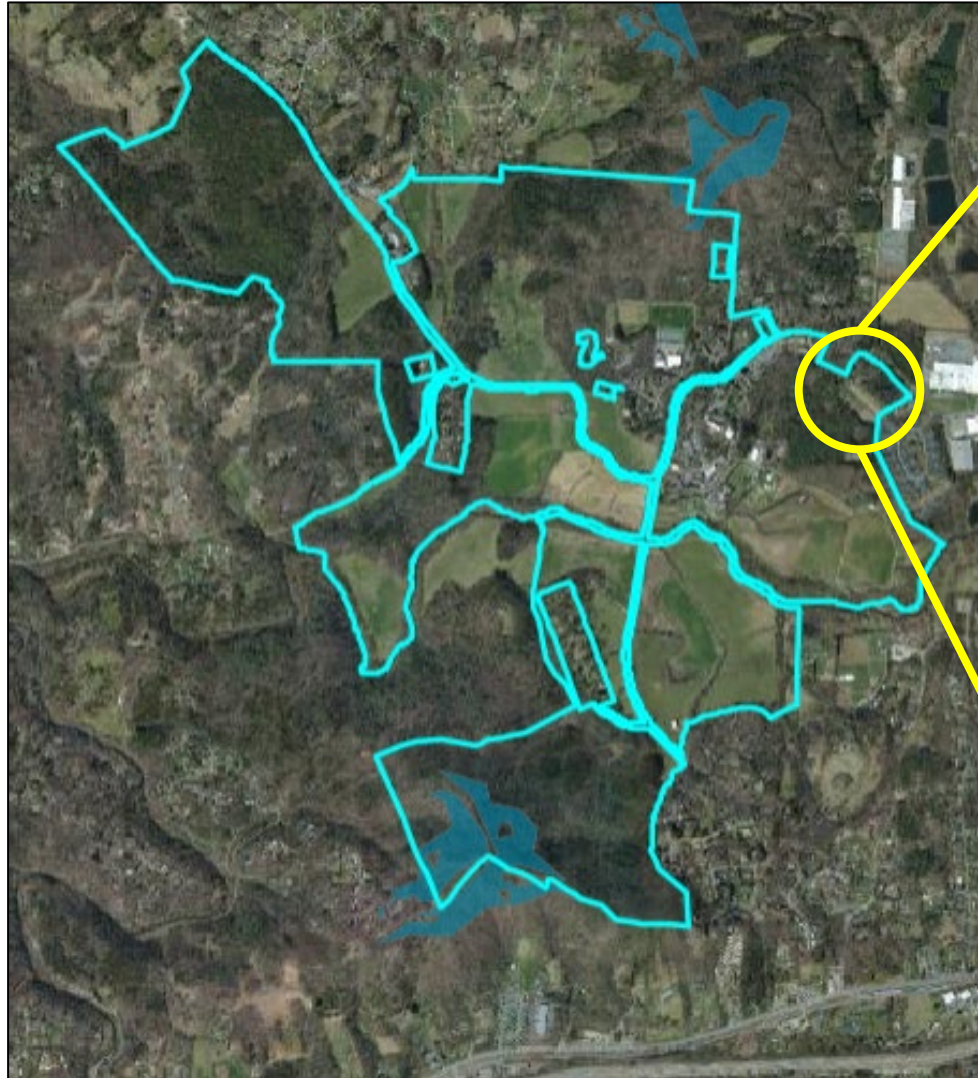
Applicant Information

- ✓ Applicant: William H. Christy
- ✓ Owner: Warren Wilson College
- ✓ Address: 111 Upper College Road, Swannanoa



Property Information

- ✓ 4.5 acres
- ✓ Current Use:
Residential
- ✓ Public Water
& Sewer

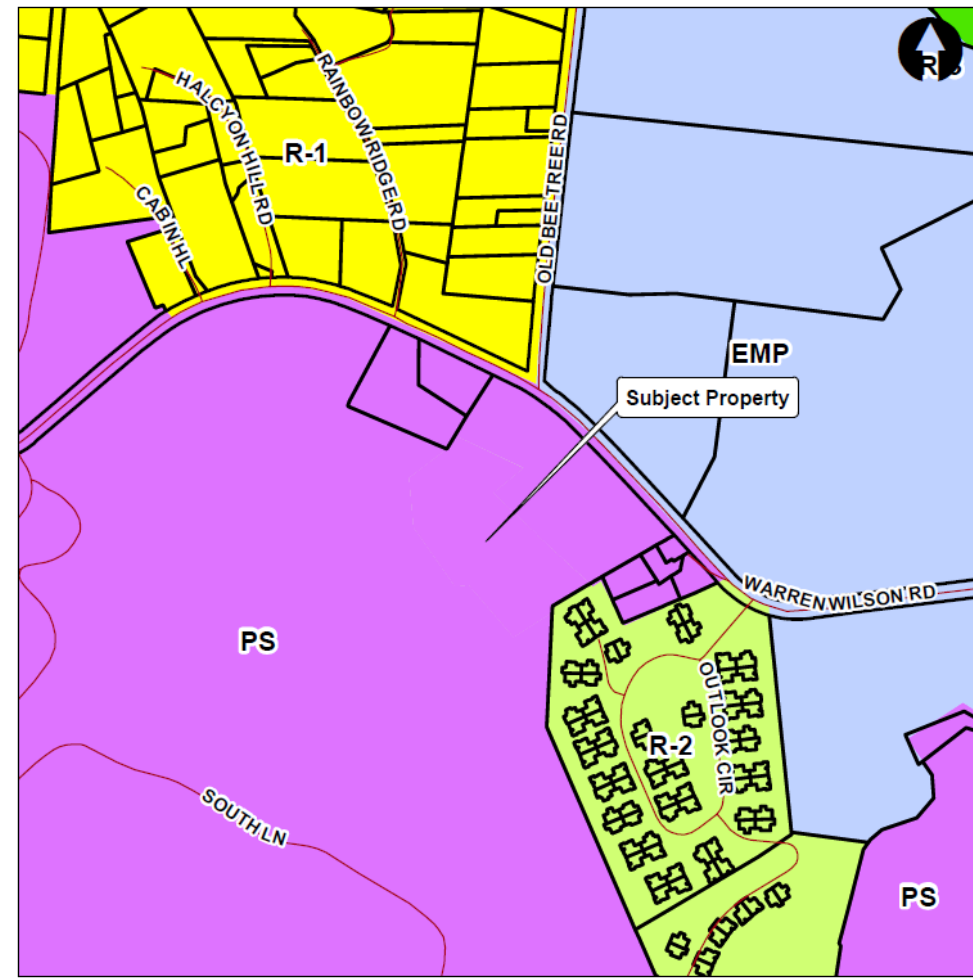
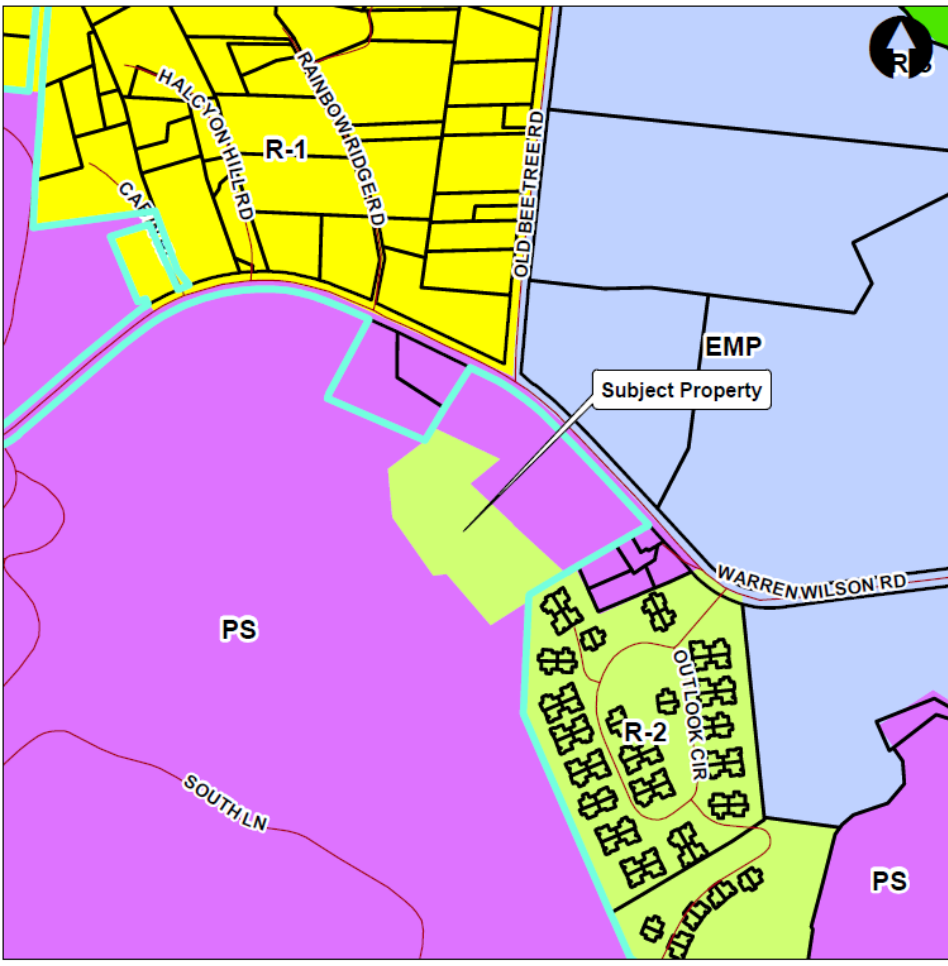


Rezoning Information

Current Zoning:
R-2



Proposed Zoning:
PS

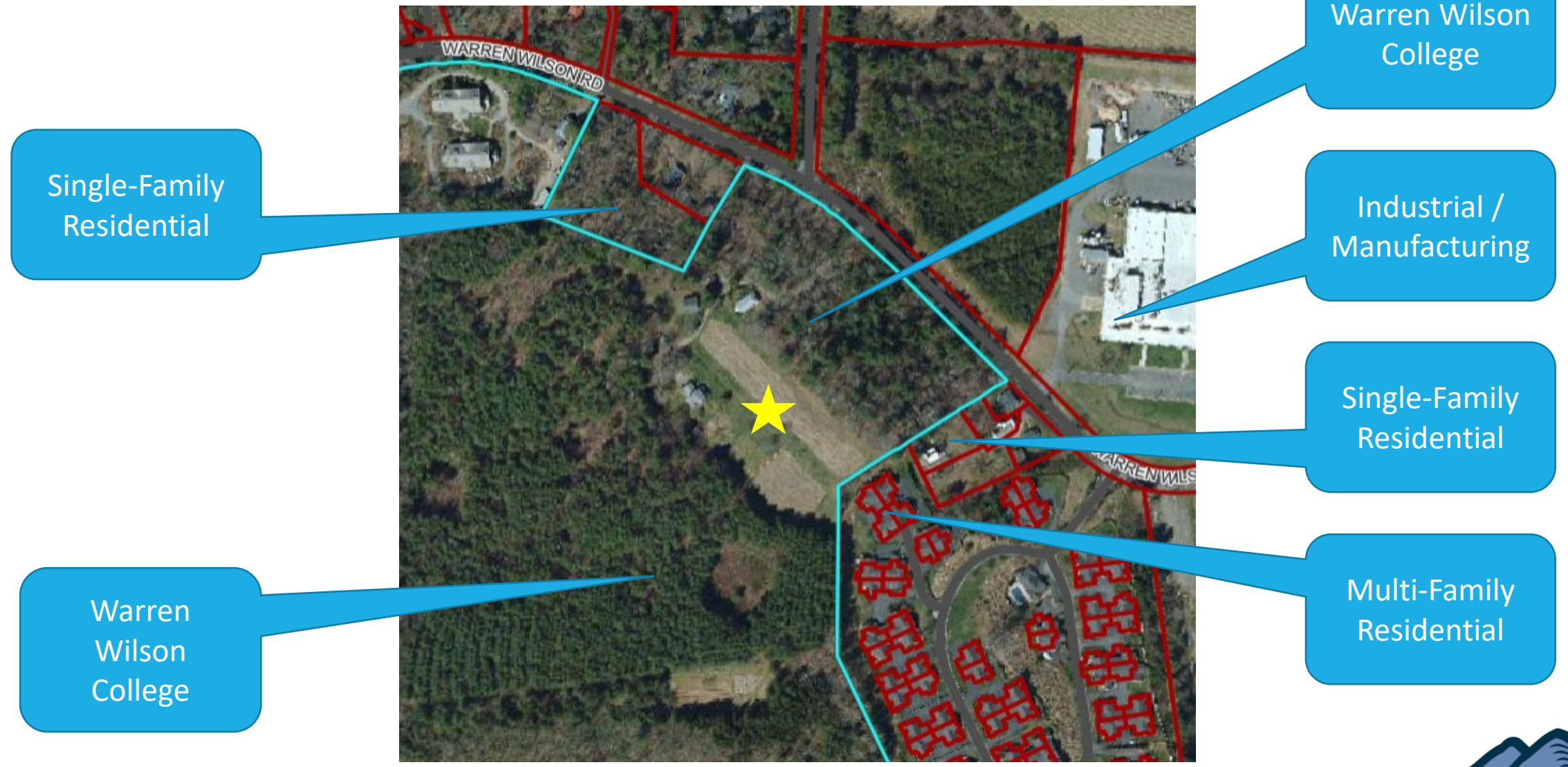


Bulk Standards

Allowable Density/Dimensional Standards	Existing District:	Proposed District:
	R-2 Residential	PS Public Service
Minimum Lot Size	30,000 SF No Public Sewer 10,000 SF Public Sewer/No Water 6,000 SF Public Water and Sewer	30,000 SF No Public Sewer 10,000 Public Sewer/No Water 5,000 SF Public Water/Sewer
Max dwelling units/acre	12	12
Setbacks (Front/Side/Rear)	10/7/15 w/sewer 20/10/20 no sewer	20/10/20
Max height	35 feet	50 feet



Surrounding Development Pattern in Immediate Area



Action by the Planning Board

- Public hearing held on July 17, 2023
- Voted unanimously to forward a recommendation of approval to the Board of Commissioners.



ZONING MAP AMENDMENT (REZONING) INFORMATION What is a Zoning Map Amendment (Rezoning)?

The Official Zoning Map is a map, adopted by the Buncombe County Board of Commissioners, which breaks the unincorporated areas of Buncombe County into zoning districts. Regulations pertaining to each zoning district are described in the Buncombe County Zoning Ordinance, including a list of the land use types that may be permitted within each district. A land owner may submit an application for a Zoning Map Amendment (“Rezoning”) to change the zoning district to which their property has been assigned. Once a property is rezoned, any use allowed in that Zoning district, as listed in *Section 78-641 Permitted Uses* of the Zoning Ordinance, could be permitted.

Who decides if I will get a Map Amendment?

The proposed rezoning is first reviewed by the Buncombe County Planning Board, which makes a recommendation to approve or deny the proposal. The Planning Board’s recommendation is then presented to the Board of Commissioners, which makes the final decision. The Planning Board and Board of Commissioners must consider issues of neighborhood compatibility, zoning consistency, and Comprehensive Land Use Plan priorities for development when considering a rezoning request.

When will my application be decided?

The Planning Board meets the first and third Monday of every month at 9:30am. Staff will confirm your meeting date upon submittal of your application. The applicant or their chosen representative **should be present** at the meeting in order to receive a review by the Board. Applications must be received by the Planning Department 30 days prior to the scheduled Board meeting.

What is the process for obtaining a Map Amendment?

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the proposed rezoning.
2. **Submit Application:** At least 30 days prior to the public hearing date.
3. **Public Notice # 1:** Public notice procedures for the Planning Board hearing will be conducted by County staff. Staff must notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements of the public hearing.
4. **Public Hearing # 1:** The Planning Board will hear a summary of Staff’s recommendations, information presented by the applicant, statements by the public, and will recommend approval or denial.
5. **Public Notice # 2:** Public notice procedures are repeated for the Board of Commissioner’s meeting.
6. **Public Hearing # 2:** The Board of Commissioners will review Planning Board and Staff recommendations, hear statements by the public, and make a final decision at a public hearing to approve or deny the proposal.

Is the Board of Commissioner’s decision the final step?

Yes. The Zoning Map amendment process is complete, and the Board of Commissioner’s decision takes effect, immediately following a majority decision to approve or deny the request. Once approval is received, the applicant may seek approval to develop the property in accordance with the Zoning, Subdivision, and other ordinance requirements for the approved Zoning district.

What else should I know?

Sometimes, an application is continued to another meeting due to a lack of a quorum or insufficient information, or sent back to the Planning Board for further deliberation. If this occurs, please note that the change in your Planning Board meeting date will also alter your scheduled Board of Commissioners meeting date. Contact the Planning Department for any questions about your assigned meeting dates.



BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Application for a Zoning MAP AMENDMENT

(Rezoning) A PRE-SUBMITTAL CONFERENCE WITH THE PLANNING DEPARTMENT IS REQUIRED PRIOR TO SUBMITTAL.

A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 9679-54-4937-00000 (portion of)

Address(es): 111 Upper College Road, Swannanoa, NC 28778

Acreage: 1,000 + for entire parcel (4.5 +/- for requested rezoning portion)

B. Zoning Classification

Current zoning district(s): R-2 Requested zoning district(s)*: PS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information

Warren Wilson College
Company/Corporate Name (if applicable)

William H. Christy, former President
Applicant's Name

PO Box 9000
Mailing Address

Asheville, NC 28815
City, State, and Zip Code

(828) 230-7223
Telephone

bchristy@warren-wilson.edu
Email

Property Owner Contact Information (If different)

Owner's Name

Mailing Address

City, State, and Zip Code

()

Telephone

Email

OFFICE USE ONLY: Case Number: ZPH _____ - _____ Date Received: _____ Owner's Affidavit Submitted: Yes No

Pre-Submittal meeting with: _____ Planning Board Hearing Date: _____

Page 2 of 8

MAP AMENDMENT CONSISTENCY & APPROPRIATENESS

Please answer the following questions (if necessary attach a separate sheet of paper):

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

This approximate 4.5 acre parcel was conveyed to Warren Wilson College in Book 4216, Page 534, Buncombe County Registry, and as shown on Plat Book 82, Page 9 (copy attached) . All of the other 1,000+/- acres of Warren Wilson College are zoned PS. This rezoning would bring consistency to all of the property of Warren Wilson College, and would provide flexibility for any future uses consistent with the use of the property by Warren Wilson College as an educational institution.

2. Describe how the proposed rezoning is consistent with Buncombe County's Comprehensive Land Use Plan. Please reference the most current adopted version - 2013 Update (*available on the BC Planning Department website*).

The property of Warren Wilson College is deemed institutional under the newly adopted Buncombe 2043 Comprehensive Plan. This a unique land use planning designation for large land holdings, which include educational institutions.

3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

The rezoning would be reasonable and in the public interest to all allow all of the property of Warren Wilson College to be zoned consistently. This would correct an apparent anomaly or oversight or failure to zone this parcel with the rest of the Warren Wilson College property when this property was conveyed to Warren Wilson College in 2006.

4. Is/are the applicant(s) listed below the owner(s) of the property? ☒ Yes ☐ No

If the applicant(s) listed herein are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit must be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 5 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

➤ I hereby certify that I am the owner, authorized agent of the owner, or have provided legal notification to the owner, and the above information is correct to the best of my knowledge and hereby make application for a Zoning Map Amendment. Any information given that is incorrect will cause this application to become null and void.

➤ I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

Will H Chung Signature of Applicant
Signature of Owner
Special assistant, Wam Wam College

E. CERTIFICATION

NOTE TO USER: THIS VERSION OF SECTION E. CERTIFICATION IS FOR

USE IN CASES WHERE NUMEROUS PROPERTIES, OWNED BY NUMEROUS PROPERTY OWNERS, ARE INVOLVED IN THE REZONING APPLICATION

**Application for a Zoning
MAP AMENDMENT
Multiple Lots and Owners**

E.1. Required Information: Each property owner who is participating in this rezoning application must complete this form. Each owner or group of owners (corporation, LLC, trust, or similar) should provide their information on a separate form. Owners of multiple properties within the rezoning area may use one form to list all affected properties. Use additional forms if necessary.

E.1.1. Location of Properties Proposed for Rezoning		
	<i>Street number, name, city, state, zip code.</i> Physical E-911 <i>You may verify your E911 Address at</i> Address https://discover.buncombe county.org/	<i>15-digit unique identifier for each parcel. PIN numbers PIN can be found on your tax bill or online at</i> Number https://gis.buncombecounty.org/buncomap/ <i>Example: 965415728000000 or 9654-15-7280</i>
1	111 Upper College Road, Swannanoa, NC 28778	9679-54-4937-00000
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

E.1.2. Contact Information and Certification of All Owners of Above-Referenced Property or Properties.

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of pro acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	Corporate Title (if applicable)	Mailing Address <i>Street number, name, city, state, zip code</i>	Telephone Number	Email Address
1	Warren Wilson College	Former Interim President, Special assistant	PO Box 9000, Asheville, NC 28815	828-230-7223	bchristy@warren-wilson.edu
	Owner Signature: Date:		Applicant/ Designated Representative - Name: <i>William H. Christy</i> Signature: Date: <i>William H. Christy 6/12/23</i>		
2					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
3					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
4					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

E.1.2. Contact Information and Certification of All Owners continued.

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associa hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	Corporate Title (if applicable)	Mailing Address <i>Street number, name, city, state, zip code</i>	Telephone Number	Email Address
5					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
6					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
7					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
8					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

E.1.2. Contact Information and Certification of All Owners continued.
By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associa hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

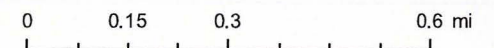
	Owner Name	Corporate Title (if applicable)	Mailing Address <i>Street number, name, city, state, zip code</i>	Telephone Number	Email Address
9					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
10					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
11					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
12					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

Buncombe County



June 8, 2023

1:18,056



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

New Business

Department: Human Resources Department

Presenter(s): Sharon Burke, Human Resources Director

Contact(s): Stoney Blevins, Health & Human Services Director & Matthew Baker, Strategy & Innovation Supervisor

Subject: Child Protective Services Investigations Situational Overview/Recommendations and Recruitment Incentive

Brief Summary: Child Protective Services – Investigations is suffering from a shortage of qualified Investigative Assessment & Treatment Social Workers (IATSW).

1. Investigations is losing experienced staff due to resignation/transfer

- a. Limited qualified workforce statewide, leading to greater competition for workers
- b. CPS Investigations is a demanding role including crisis response, unpredictable schedules, often hazardous/ dangerous work conditions and interactions with volatile clients
- c. Existing CPS – Investigations staff are transferring to other service areas within Social Work, however, only one internal employee has transferred to CPS – Investigations during the last five years

2. There is a low volume of applicants for this position

- a. Stringent qualifications for the position requiring a specific degree (BSW)
- b. 35% of positions are vacant as of 8/4/2023
- c. Wages offered are not as competitive as other organizations

3. Less employees increases the number of cases that each employee carries

- a. Increases turnover
- b. Pushes caseworkers over the state mandated maximum caseload
- c. Investigations supervisors have been carrying caseloads due to staffing constraints since January 2023.

To that end, The County Manager is proposing a temporary pay allowance of \$200 per pay period for IATSW's and Supervisors within the Child Protective Services – Investigations program until the position can have a classification review or until 76%

(22 out of 29) of positions are filled and have completed pre-service training. If approved, the results of the review would take effect with the Fiscal Year 2025 pay plan adoption. Funding for this allowance will be covered using lapsed salary within the existing Health & Human Services budget.

Additionally, the County Manager is proposing a Recruitment Incentive for existing employees to assist in recruiting for hard-to-fill positions, specifically within the Child Protective Services – Investigations program, 911 Emergency Communications, and Detention Facility. This incentive applies only to the current employee who recruits a person to fill an open position within the programs outlined above. It does not apply to employees who self-select to apply for a position in those areas or to employees whose official role in the organization is to recruit new employees. This incentive has a maximum amount of \$750 per new hire recruited and will follow the structure outlined in the table below:

Recruited employee completes one week (from start date), the employee who recruited them receives:	Recruited employee completes six months (from start date), the employee who recruited them receives:	Recruited employee completes one year (from start date), the employee who recruited them receives:
\$250	\$250	\$250

Recommended Motion & Requested Action: Approve temporary allowance for IATSWs and Supervisors in the Child Protective Services – Investigations Program of \$200 per pay period until a classification review can be conducted and approved with the Fiscal Year 2025 pay plan or until 76% (22 out of 29) of positions are filled and pre-service training is complete.

Approve the Recruitment Incentive for existing employees who recruit new hires into CPS – Investigations, Public Safety Communications (911) Dispatchers, and Detention Facility Officers to a maximum of \$750 per employee recruited.

County Manager’s Comments and Recommendation: Approve the above recommendations.

RESOLUTION NO. 23-08-12

RESOLUTION AUTHORIZING THE USE OF INCENTIVE PAY FOR SPECIFIC POSITION
CLASSIFICATIONS IN THE HEALTH AND HUMAN SERVICES DEPARTMENT AND
RECRUITMENT REFERRAL PAYMENTS TO EXISTING EMPLOYEES.

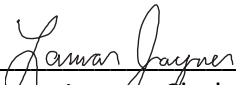
- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-92, the Board of Commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of all county officers and employees; and
- WHEREAS, pursuant to Article III, Section 3.A of the Buncombe County Personnel Ordinance, the County Manager may award bonuses and incentive payments up to one thousand dollars (\$1,000.00) per employee and shall report the awarding of the bonuses or incentive payments to the Board of Commissioners within sixty (60) days of the award; and
- WHEREAS, based on staffing numbers and the demanding nature of the job, Health and Human Services Department (herein "HHS") in the Child Protective Services Division (herein "CPS") are losing qualified Investigative Assessment & Treatment Social Workers (herein "IATSW") due to resignation and transfer; and
- WHEREAS, CPS is also having difficulty filling IATSW vacancies in a timely manner; and
- WHEREAS, due to the staffing shortages of qualified IATSWs in CPS, the County Manager is recommending issuing temporary pay allowances for IATSWs and Supervisors within CPS until certain staffing metrics are met or June 30, 2024, whichever comes first; and
- WHEREAS, funding for the temporary pay allowances do not require any new funding and will be covered by lapsed salary within the HHS budget; and
- WHEREAS, the proposed temporary pay allowances per employee may exceed the County Manager's authority as set forth in the Personnel Ordinance and require Commissioner approval; and
- WHEREAS, the Board of Commissioners has determined the temporary pay allowances for IATSWs and Supervisors are necessary to maintain current staffing levels and recruit new employees.

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

1. The County Manager is authorized to award temporary pay allowances to IATSWs and Supervisors in CPS of \$200 per pay period up to a maximum of \$5,200.00 per position/employee.
2. The temporary pay allowance program shall remain in place until twenty-two (22) of the twenty-nine (29) IATSW positions are filled and the new employee has completed pre-service training in CPS or June 30, 2024, whichever comes first.
3. The County Manager is authorized to award employees up to \$750.00 for referrals resulting in new hires recruited for CPS – Investigations positions, Public Safety Communication (911) telecommunicators, and Detention Facility Officers.
4. The County Manager is authorized to develop policies and procedures for implementing the temporary pay allowance and the new hire bonuses subject to the conditions above.
5. This resolution is effective on August 12, 2023.

ADOPTED this the 15th day of August 2023.

ATTEST



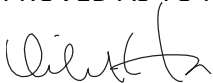
Lamar Joyner, Clerk

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

BY: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney



CPS Investigations Staffing Recommendations

Sharon Burke, Human Resources Director

Board of County Commissioners Meeting

August 15, 2023



Child Protective Services is facing a critical staffing situation

The following Recommendations are intended to address:

- The need to maintain existing Investigations staff due to ongoing resignations and transfers
- Workload balancing to comply with state standards that are currently being exceeded
- A lack of applicants for Investigations positions
- Barriers in moving applicants from recruitment to hire



Prior & Current Status

- 5/31/2023

- Average investigation takes 29.7 days
- 11 out of 29 positions vacant (38%)
- 227 active cases –roughly 25 cases per available employee
 - Available Employees does not include pre-service (Cannot carry a caseload), FMLA
 - 2.5x state mandated max caseload of 10 cases
- 19 staff repurposed from other programs to assist with caseload

- 8/4/2023

- Average investigation takes 36.9 days
- 10 out of 29 positions vacant (35%)
- 212 active cases –roughly 16 cases per available employee
 - Available Employees does not include pre-service (Cannot carry a caseload), FMLA
 - 1.6x state mandated max caseload of 10 cases
- 7 staff repurposed from other programs to assist with caseload



Changes Already Implemented

- Job Qualifications expanded to include non-traditional degree programs
- Executed a contract with SPARC for qualified, temporary workers
- Increased social media and radio presence to attract applicants

WHY SHOULD YOU JOIN
BUNCOMBE COUNTY
SOCIAL WORK?



Current Competitiveness

\$66K

Buncombe County
Average RPP* Adjusted Pay

\$68K

Average RPP Adjusted Pay
for Sampled Organizations

11th

out of 18 sampled
organizations

Regional Price Parity (RPP): Regional price parities (RPPs) measure the differences in price levels across states and metropolitan areas for a given year.

-US Bureau of Economic Analysis (June 1, 2023)



Recommendations

- Allowance for Child Welfare Services – Investigations (INV) staff (supervisors & line staff) of \$200 per pay period
 - A qualified pay period is one in which the individual is employed within INV after pre-service is completed
 - Estimated \$5,200/employee/year
 - The allowance sunsets by the start of Fiscal Year 2025 or when 76% of staff positions (22 out of 29) are filled and have completed pre-service training. The earlier of the two.
- HR Review of INV classification (not INV supervisors) for FY 25 pay plan
- Recruitment Incentive for current employees
 - \$250 for the first week of retention + \$250 after 6 months of retention + \$250 after the first year of retention - to the employee who successfully recruited a new staff member
 - Applies only to staff who successfully recruit a new employee in CPS Investigations, 911 Telecommunicators, or the Detention Officers
- No additional county funding is requested



Requested Board Actions

- Approve temporary allowance for Child Protective Services IATSWs & Supervisors
- Approve recruitment incentive for existing employees to recruit new hires into CPS Investigations, Public Safety Communications (911) Telecommunicators and Detention Officers

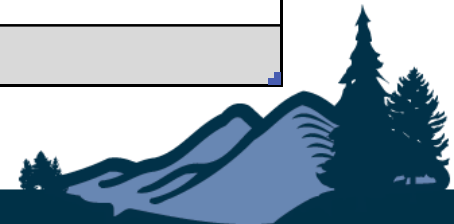


Appendix

Sampled Organizations

- In North Carolina, Child Welfare Services is a county and state function
- Regional, out of state municipalities were included as they provide Child Welfare Services and compete for the same workforce
- This table represents all entities from which data was retrieved, but not all that was requested

NC Counties	Out of State Metros
Buncombe	Greenville, SC
Cabarrus	Nashville, TN
Henderson	
McDowell	
Durham	
Guilford	
New Hanover	
Mecklenburg	
Cumberland	
Wake	
Catawba	
Forsyth	
Gaston	
Union	
Madison	
Orange	
Cleveland	





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/15/2023

New Business

Department: Tax Assessor/Legal

Presenter(s): Curt Euler

Contact(s): Curt Euler, Staff Attorney & Keith Miller, Tax Assessor

Subject: Taxpayer's Tax Refund Request

Brief Summary: General Electric seeks a tax refund for personal property taxes it claims were erroneously paid due to an illegal tax in the amount of \$279,990 for tax years 2019 and 2020.

Timeline:

1/25/2019	GE Capital files a listing for tangible personal property (herein "TPP") located at 401 Sweeten Creek Industrial Park (herein "401 SCIP") for tax year 2019 with Buncombe County.
1/25/2019	GE Industrial files a listing for TPP located at 401 SCIP for tax year 2019 with the County.
3/15/2019	General Electric Company (herein "GE") files a listing for TPP located at 401 SCIP for tax year 2019 with the County.
8/7/2019	The Tax Assessor processes each entity's listing and determines assessed value of each entity's TPP. Based on the assessed value, the County sends a tax bill to each entity for 2019.
12/19/2019	GE Capital pays its tax bill for 2019.
12/19/2019	GE Industrial pays its tax bill for 2019.
12/27/2019	GE pays its tax bill for 2019.
1/27/2020	GE Capital files a listing for TPP located at 401 SCIP for tax year 2020 with the County.
1/27/2020	GE Industrial files a listing for TPP located at 401 SCIP for tax year 2020 with the County.
3/12/2020	GE files a listing for TPP located at 401 SCIP for tax year 2020 with the County.

8/8/2020	The Tax Assessor processes each entity's listing and determines assessed value of the entity's TPP. Based on the assessed value, the County sends a tax bill to each entity for 2020.
12/21/2020	GE pays its tax bill for 2020.
12/28/2020	GE Capital pays its tax bill for 2020.
12/28/2020	GE Industrial pays its tax bill for 2020.
7/19/2023	GE Healthcare Finance Service, LLC, through its attorney, requests a tax refund for TPP taxes paid by GE Capital and GE Industrial for tax years 2019 and 2020.

Pursuant to N.C. Gen. Stat. § 105-381, the County Commissioners can only grant a tax refund to a taxpayer if the tax was imposed through a clerical error, an illegal tax or a tax levied for an illegal purpose.

Based on an audit, in several instances, GE found that GE and GE Capital listed the same TPP on their listings filed with the County for 2019 and 2020. GE also found that in several instances GE and GE Industrial listed the same TPP on their listings for 2019 and 2020 with the County.

GE claims that County taxed the same TPP twice resulting in double taxation and constituted an illegal tax.

In North Carolina, an illegal tax is a tax imposed by the taxing authority without authority or taxing a property with a valid exemption. The County is allowed to tax tangible personal property. Furthermore, there is no statute or Appellate Court case that expressly prohibits double taxation based on a taxpayer's listing error for real or personal property.

Additionally, overassessment is not one of the three valid defenses pursuant to N.C. Gen. Stat. § 105-381(a)(1).

Recommended Motion & Requested Action: It is Staff's recommendation that the Commissioners deny GE's refund request. The County is allowed to assess a tax on TPP located in the County. GE's listing errors do not create an illegal tax. Any challenges to the listing or the amount of the tax should have been brought to the Board of Equalization and Review in 2019 and 2020.

RESOLUTION NO. 23-08-13

RESOLUTION DENYING GENERAL ELECTRIC HEALTHCARE FINANCE SERVICE LLC'S TAX REFUND
REQUEST DATED JULY 19, 2023.

- WHEREAS, pursuant to N.C. Gen. Stat. § 105-381, a taxpayer must present a valid defense in order to be granted a refund on taxes paid to a county; and
- WHEREAS, pursuant N.C. Gen. Stat. § 105-381(a) those valid defenses are (i) a tax imposed through a clerical error, (ii) an illegal tax, or (iii) a tax levied for an illegal purpose; and
- WHEREAS, on July 19, 2023, General Electric Healthcare Finance Service, LLC (herein "GE HFS"), through its attorney, requested that Buncombe County refund to GE HFS \$279,990 for tangible personal property tax paid in 2019 and 2020 by GE Capital U.S. Holdings, Inc. (herein "GE Capital") and GE Industrial Financing Solutions, LLC (herein "GE Industrial"); and
- WHEREAS, GE HFS alleges that it was subject to an illegal tax when the County taxed both GE Capital and GE Industrial and General Electric Company for the same tangible personal property in 2019 and 2020; and
- WHEREAS, pursuant to N.C. Gen. Stat. § 105-381(b) the Board of Commissioners are required to determine whether the taxpayer has a valid defense to the taxes imposed by the County.

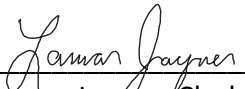
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the tax refund request dated July 19, 2023 by GE HFS for \$279,990 is hereby denied on the grounds that the County did not assess an illegal tax on GE Capital and GE Industrial for tangible personal property during the 2019 and 2020 tax years.
2. The County Attorney is instructed to mail a copy of this resolution to GE HFS's attorney.
3. That this resolution shall be effective upon adoption.

This the 15th day of August 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney

RESOLUTION NO. _____

RESOLUTION GRANTING GENERAL ELECTRIC HEALTHCARE FINANCE SERVICE LLC'S TAX REFUND
REQUEST DATED JULY 19, 2023.

- WHEREAS, pursuant to N.C. Gen. Stat. § 105-381, a taxpayer must present a valid defense in order to be granted a refund on taxes paid to Buncombe County; and
- WHEREAS, pursuant N.C. Gen. Stat. § 105-381(a) those valid defenses are (i) a tax imposed through a clerical error, (ii) an illegal tax, or (iii) a tax levied for an illegal purpose; and
- WHEREAS, on July 19, 2023, General Electric Healthcare Finance Service, LLC (herein "GE HFS"), through its attorney, requested that Buncombe County refund to GE HFS \$279,990 for tangible personal property tax paid in 2019 and 2020 by GE Capital U.S. Holdings, Inc. (herein "GE Capital") and GE Industrial Financing Solutions, LLC (herein "GE Industrial"); and
- WHEREAS, GE HFS alleges that it was subject to an illegal tax when the County taxed both GE Capital and GE Industrial and General Electric Company for the same tangible personal property in 2019 and 2020; and.
- WHEREAS, pursuant to N.C. Gen. Stat. § 105-381(b) the Board of Commissioners are required to determine whether the taxpayer has a valid defense to the taxes imposed by the County.

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

1. That the tax refund request dated July 19, 2023 by GE HFS for \$279,990 is hereby granted on the grounds that the County assessed an illegal tax on GE Capital and GE Industrial for tangible personal property during the 2019 and 2020 tax years.
2. The County Attorney is instructed to mail a copy of this resolution to GE HFS's attorney.
3. That this resolution shall be effective upon adoption.

This the 15th day of August 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney



Tax Refund Request

Curt Euler and Keith Miller

Board of County Commissioners
August 15, 2023



N.C. Gen. Stat. § 105-380

- The governing body of the taxing unit is prohibited from releasing, refunding, or compromising, all or any portion of the taxes levied against any property within its jurisdiction except as provided by N.C. Gen. Stat. § 105-381.
- Any tax that has been released, refunded or compromised in violation of this section may be recovered from any member or members of the governing body who voted for the release, refund or compromise by a resident of the taxing unit.



N.C. Gen. Stat. § 105-381



N.C. Gen. Stat. § 105-381



Tangible Personal Property Listings

- Pursuant to N.C. Gen. Stat. § 105-274, all property, real and personal is subject to taxation unless excluded or exempted by statute.
- Each year, pursuant to § 105-304, every taxpayer is required to submit a list of tangible personal property (herein “TPP”) kept in Buncombe County to the Tax Assessor.
- Pursuant to § 105-306, taxable personal property shall be listed in the name of the owner on the day as of which property is to be listed for taxation, and it shall be the duty of the owner to list the property.



Facts

- GE Industrial, GE Capital and General Electric Company are separate legal entities.
- In 2019 and 2020, GE Capital submitted a list of equipment kept at 401 Sweeten Creek Industrial Park (herein “401 SCIP”) to the Tax Assessor.
- In 2019 and 2020, GE Industrial submitted a list of equipment kept at 401 SCIP to the Tax Assessor.
- In 2019 and 2020, GE submitted a list of equipment kept at 401 SCIP to the Tax Assessor.



Facts

- Based on the listings filed by GE Industrial, GE Capital and General Electric Company, the County determined the assessed value for each entity's TPP for 2019 and 2020.
- Based on the assessed value of the TPP, the County sent each entity a tax bill for 2019 and 2020.
- None of the entities challenged the valuation of the TPP to the Board of Equalization and Review and each entity paid their tax bill for 2019 and 2020.



Facts

- During an audit in 2022, GE discovered that in several instances GE Capital and GE listed the same equipment on its TPP listings for 2019 and 2020.
- During an audit in 2022, GE discovered that in several instances GE Industrial and GE listed the same equipment on its TPP listings for 2019 and 2020.
- On July 19, 2023, GE Healthcare Finance Service, LLC on behalf of GE Capital and GE Industrial requested a tax refund.



General Electric's Refund Request

- It is GE's position that it was taxed twice for the same TPP in tax years 2019 and 2020.
- GE is alleging that being taxed twice for the same property, regardless of fault, constitutes double taxation which is an illegal tax.
- GE is requesting a total refund from Buncombe County of \$279,990.00.
- GE has also made this refund request to the City of Asheville for its portion of the taxes paid in the amount of \$227,007.



Double Taxation

- Double taxation is a legal theory found in several legal treatises whereby the taxing authority taxes the same property, for the same purpose, within the same jurisdiction, during the same taxing period and there must be the same character of tax.
- Double taxation is not looked at favorably by the legal treatises.
- Double taxation has never been applied by the North Carolina Appellate Courts where the taxpayer made a listing error on real or personal property.



The Law in North Carolina

- The North Carolina Court of Appeals defines an illegal tax as a tax that is imposed by the taxing authority without authority or taxing a property that has a valid exemption.
- Overassessment is not one of the three valid defenses pursuant to N.C. Gen. Stat. § 105-381(a)(1).
- There is no North Carolina Constitutional provision that expressly prohibits double taxation.
- Listing and valuation errors are appealed to the Board of Equalization and Review.



Staff Recommendation

- Since GE did not appeal the listing errors and the County had legal authority to assess the tax based on each taxpayer's submitted listing, Staff recommends that the Commissioners deny GE's July 19, 2023 request for a tax refund on taxes paid in 2019 and 2020.



Questions?

