Board of Commissioners' Agenda

May 2, 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

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Discussion / Adjustment / Approval To Follow Agenda

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Consent Agenda

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- Approval of April 18, 2023 Briefing Meeting Minutes
- Approval of April 18, 2023 Regular Meeting Minutes
- Tax Collection Report
- Resolution Approving Pyrotechnic Experts for Firework Display
  - Resolution
- Approval of Holiday Leave Change (Juneteenth)
  - Leave Policy
  - More Information
- Approval of Extension and Modification of Collection Agreement for the Town of Weaverville
  - Agreement
- Approval of Updated JCPC County Funding Plan for FY2022-2023
  - Funding Plan
- Budget Amendment to Establish Three Conservation Easement Projects and Increase an Existing Project
  - Ordinance

- Maps

- Budget Amendment for Adult Protective Services (APS) Essential Services Fund
  - Ordinance

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  - Proclamation
- Asian American & Pacific Islander Heritage Month Proclamation
  - Proclamation
- Financial Quarterly Report - FY23 Third Quarter
  - Report
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- Consideration of an Ordinance Imposing a Temporary Moratorium on Cryptocurrency Mining
  - Ordinance

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- Review of Open Space Bond Conservation Easement Criteria Adoption
  - More Information

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- Juvenile Crime Prevention Council
  - Destiny Burgess
  - Eric Robinson
  - Sylvia Clement
  - Suzanne Avett
- Mountain Community Capital Fund Operating Committee
  - Dee Williams
- Library Board
  - Laina Stapleton
  - Summer Bartow
  - Julie Niwinski
  - Renee Hetter
- County Board of Adjustment
  - Joel Mazelis

Announcements

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- May 9 @ 8:30 a.m. - Commissioners' Budget Work Session at East Asheville Library, 3 Avon Road, Asheville, NC 28805.
- May 16 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- May 16 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.

Closed Session / Open Session

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MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING OF MAY 2, 2023 AT 5 P.M.

BE IT REMEMBERED: That the Board of Commissioners met in regular session on May 2, 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
Amanda Edwards, Commissioner
Martin Moore, Commissioner
Parker Sloan, Commissioner
Terri Wells, Vice Chair
Al Whitesides, Commissioner

Jasmine Beach-Ferrara, Commissioner, were 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; Sheriff Quentin Miller; Stoney Blevins, Health & Human Services 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 Martin motioned to approve the Consent Agenda and the remainder of the agenda. Vice Chair Wells seconded and the motion passed 6-0.

- Approval of April 18, 2023 Briefing Meeting Minutes
- Approval of April 18, 2023 Regular Meeting Minutes
- Tax Collection Report
- Resolution Approving Pyrotechnic Experts for Firework Display
  - Resolution
- Approval of Holiday Leave Change (Juneteenth)
  - Leave Policy
  - More Information
- Approval of Extension and Modification of Collection Agreement for the Town of Weaverville
  - Agreement
- Approval of Updated JCPC County Funding Plan for FY2022-2023
  - Funding Plan Draft
- Budget Amendment to Establish Three Conservation Easement Projects and Increase an Existing Project
  - Ordinance
  - Maps
- Budget Amendment for Adult Protective Services (APS) Essential Services Fund
  - Ordinance

PUBLIC COMMENT

Dede Styles stated concerns with the public comment structure water issues due to construction development and climate change.

PRESENTATIONS

- **Older Americans Month Proclamation**

Commissioner Whitesides read and presented the proclamation to Stoney Blevins, Health & Human Services Director. Stoney accepted the proclamation and thanked the Commissioners for their support.

- **Asian American & Pacific Islander Heritage Month Proclamation**

Commissioner Edwards read and presented the proclamation to Dakisha Wesley, Assistant County Manager. The proclamation was accepted and gratitude was expressed.

- **Financial Quarterly Report - FY23 Third Quarter**

Mason Scott, Interim Finance Director, presented the FY23 Second Quarter Report with an update on revenues, expenditures, and investments.

PUBLIC HEARINGS

- **Consideration of an Ordinance Imposing a Temporary Moratorium on Cryptocurrency Mining**

Nathan Pennington, Planning Director, explained the consideration to adopt an ordinance imposing the temporary moratorium to allow the Board time to develop standards and mitigation methods for cryptocurrency mining.

The Chairman opened the hearing at 5:31 p.m.

Craig Deutsch, Kimberly Stonebreaker, Justin Orkney, and Dennis Fassuliotis expressed their opposition for the temporary moratorium.

Michael Reynolds, Chris Joyeil and Ken Brame expressed their support for the temporary moratorium.

The hearing was closed at 5:54 p.m.

Vice Chair Wells moved to approve the Ordinance Imposing a Temporary Moratorium on Cryptocurrency Mining. Commissioner Edwards seconded the motion and it passed 6-0.

OLD BUSINESS

- **Review of Open Space Bond Conservation Easement Criteria Adoption**

Jill Carter, Open Space Bond Project Manager, and Ariel Zijp, Agriculture & Land Resources, explained to the Board the proposed criteria had been updated to reflect their concerns on how to best allocate funding towards conservation. Staff, with input from the Agriculture Advisory Board, Land Conservation Advisory Board, and the public, developed the criteria for evaluating land conservation projects. The Board had deferred voting on the criteria during the regular meeting on March 21, 2023.

Vice Chair Wells moved to adopt the Open Space Bond Conservation Easement Criteria. Commissioner Sloan seconded the motion and it passed 6-0.

BOARD APPOINTMENTS

Commissioner Moore moved to appoint **Destiny Burgess** (Substance Abuse Professional), and reappoint **Eric Robinson** (Community-at large), **Sylvia Clement** (Chief Court Counselor), and **Suzanne Avett** (DSS Director) to the **Juvenile Crime Prevention Council**. Commissioner Edwards seconded and the motion passed 6-0.

Chairman Newman moved to appoint **Dee Williams** to the **Mountain Community Capital Fund Operating Committee**. Commissioner Whitesides seconded and the motion passed 6-0.

Chairman Newman moved to appoint **Laina Stapleton** (District 1) and **Summer Bartow** (District 3) to the **Library Board**. Commissioner Edwards seconded and the motion passed 6-0.

Vice Chair Wells moved to reappoint **Joel Mazelis** to the **County Board of Adjustment**. Commissioner Edwards seconded and the motion passed 6-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *May 9 @ 8:30 a.m. - Commissioners' Budget Work Session at East Asheville Library, 3 Avon Road, Asheville, NC 28805.*
- *May 16 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *May 16 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

CLOSED SESSION

Commissioner Whitesides moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for a general liability case and Katrina Williams v. Buncombe County, NC Industrial Commission file# 23-1969, with no possible action anticipated following the closed session. Commissioner Moore seconded and the motion passed 6-0.

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

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

Commissioner Edwards moved to adjourn the meeting. Commissioner Sloan seconded and the motion passed 6-0. The meeting was adjourned at 6:17 p.m.

Lamar Joyner

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

Brownie Newman

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS

BUNCOMBE COUNTY GOVERNMENT NORTH CAROLINA

Buncombe County Tax Collections

Jennifer Pike
Tax Collector

CONSENT

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

CONTACT: Jennifer Pike

SUBJECT: Approval of March 2023 Tax Collection Report

BRIEF SUMMARY:

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

The settlement for Mission Health/HCA for prior tax years will continue to be reported as a reduction for prior year collections. Adjustments to the total levy through the remainder of fiscal year 2023 will be due to registered motor vehicle levy and regular property value discoveries or releases.

As of March 31, 2023, the total levy billed for fiscal year 2023 is 98.98% collected, as compared to 98.79% for fiscal year 2022.

Below is Buncombe County year to date reporting for fiscal year 2023, as of March 31, 2023.

Current Year Collections

Fiscal Year 2023	Personal Property	Public Service	Real Estate	Motor Vehicles	Total
Total Levy	$ 14,251,591.97	$ 4,749,004.93	$ 209,506,013.31	$ 11,350,548.82	$ 239,857,159.03
Amount Collected	$ 13,775,673.64	$ 4,747,326.83	$ 207,582,574.75	$ 11,312,761.04	$ 237,418,336.26
Unpaid Balance	$ 475,918.33	$ 1,678.10	$ 1,923,438.56	$ 37,787.78	$ 2,438,822.77
Interest Collected	$ 22,765.28	$ 437.68	$ 362,577.75	$ 86,274.61	$ 472,055.32
FY23 Collection %	**96.66%**	**99.96%**	**99.08%**	**99.67%**	**98.98%**
FY22 Collection %	95.49%	100.00%	98.94%	99.66%	98.79%

Total fiscal year 2023 year to date collections, property tax and interest **$ 237,890,391.58**

Prior Year Collections

Prior Years 2013-2022	Personal Property	Real Estate	Total
Amount Collected	$ 60,950.21	$ (342,063.53)	$ (281,113.32)
Interest Collected	$ 9,319.72	$ 25,239.10	$ 34,558.82

Total prior year collections, fiscal year to date **$ (246,554.50)**

***Total property tax released March 2023 due to taxable value adjustments** **$ 20,007.00**

***Total refunds processed March 2023** **$ 80,485.26**

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

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Consent Agenda

Department: Emergency Services **Presenter(s):** Kevin Tipton, Fire Marshal

Contact(s): Kevin Tipton, Fire Marshal

Subject: Resolution Approving Pyrotechnic Experts for Firework Displays

Brief Summary:

- Request from ATL Special FX, LLC and Mark LaBella to conduct a fireworks display on 5/7/23 at Harrah's Cherokee Event Center, 87 Haywood Street, Asheville, NC 28801.
- Request from Pyrotecnico, Inc. and Robin Ledford to conduct a fireworks display on 7/4/23 at Buncombe County Parking Garage, 164 College Street, Asheville, NC 28801.

Recommended Motion & Requested Action: Approve resolution.

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

RESOLUTION #: 23-05-01

RESOLUTION APPROVING PYROTECHNICS EXPERTS FOR CONDUCTING FIREWORKS DISPLAYS

WHEREAS, pursuant to NCGS §§ 14-410 and 14-413 the Board of Commissioners is authorized to review and approve the qualifications of persons applying for approval as pyrotechnics experts for the purpose of conducting fireworks displays; and

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

WHEREAS, the Fire Marshal has reviewed and determined that the application meets the standards set forth in the general statutes and the required proof of insurance has been provided; and

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

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

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

NAME	LOCATION	DATE
ATL Special FX	87 Haywood Street, Asheville	May 7, 2023
Pyrotecnico	164 College Street, Asheville	July 4, 2023

   That should inclement weather prevent the presentation of said display on said date(s), then the pyrotechnics display may be rescheduled to a postponement date with the consent of the fire Marshal or designee.

2. That pursuant to NCGS §§ 14-410 and 14-413 this Board finds that the above-named individual/company is a qualified pyrotechnic expert for the purpose of conducting fireworks displays.

ADOPTED this the 2nd day of May, 2023.

ATTEST

Lamar Joyner
Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: Brownie Newman
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Consent Agenda

Department: Human Resources

Presenter(s): Sharon Burke, HR Director **Contact(s):** Sharon Burke

Subject: Holiday Leave (Juneteenth)

Brief Summary: In 2021, Buncombe County was a leader in honoring the Juneteenth holiday and set our holiday to fall on the Friday on or before June 19th. In 2022, President Joe Biden added Juneteenth as a federal holiday, and our schedule no longer makes sense, as our services are out of sync with our city and federal partners. This change will formally align this holiday with the federal holiday calendar.

Recommended Motion & Requested Action: Consider approving the change as presented.

County Manager's comments and Recommendation: Recommends approval.

Leave Policy

Contents

1. **Purpose**

The purpose of this policy is to provide employees with information regarding eligibility, accrual and use of leave for Buncombe County.

2. **Applicability**

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

3. **Policy**

3.1. **Absence from Duty**

3.1.1. An employee shall promptly, and no later than thirty minutes prior to the start of the workday, notify their Supervisor when they will be absent from duty for any reason. Failure to do so, may be cause for disciplinary action up to and including separation.

3.1.2. An employee who is absent from duty for three days without notification to the immediate supervisor shall be considered to have resigned unless failure to notify was demonstrably beyond the employee's control.

3.2. **Annual Leave** – Annual leave provides employees an opportunity to relax for an extended period and to return to the job with renewed interest and vitality. The County encourages employees to take annual leave each year, with at least one week of leave being 5 days in duration.

All employees are expected to use their annual leave responsibly. Annual leave may be taken only with the prior approval of the employee's immediate Supervisor. Supervisors have the discretion to decide when and in what amount annual leave may be approved. The approval decision should weigh the needs of the workplace and the frequency of requests with the needs of the employee.

3.2.1. Annual leave is allocated to employees based on years of service with Buncombe County.

3.2.1.1. Full-time regular employees are eligible to earn annual leave at the following rates, accrued pro-rata on a bi-weekly basis:

YEARS OF SERVICE	DAYS EARNED PER YEAR IF HIRE DATE IS		
	BEFORE 8/1/2002	**ON OR AFTER 8/1/2002**	**ON OR AFTER 2/15/2011**
Less than 2 years	12 days	10 days	10 days
2 but less than 5 years	14 days	12 days	12 days
5 but less than 10 years	18 days	16 days	14 days
10 but less than 15 years	21 days	19 days	16 days
15 but less than 20 years	24 days	22 days	18 days
20 or more years	27 days	25 days	20 days

3.2.1.2. Part-time employees that work at least 20 hours in a payroll period are eligible to earn annual leave on a pro-rata basis. The leave will be computed as a percentage of total amounts earned by full-time regular employees as listed in the chart above.

3.2.2. Employees whose positions are set at 12 hours or more per shift (equivalent to one shift), will accrue annual leave as stated below.

3.2.2.1. The does not apply to employees who have created a flexible work schedule beyond an 8-hour shift or who work on-call shifts.

YEARS OF SERVICE	SHIFTS EARNED PER YEAR IF HIRE DATE IS	
	BEFORE 8/1/2002	**ON OR AFTER 8/1/2002**
Less than 2 years	12 shifts	10 shifts
2 but less than 5 years	14 shifts	12 shifts
5 but less than 10 years	18 shifts	16 shifts
10 but less than 15 years	21 shifts	19 shifts
15 but less than 20 years	24 shifts	22 shifts
20 or more years	27 shifts	25 shifts

3.2.3. Transfer and Payout - Buncombe County does not transfer accrued or unused annual leave from any other county, municipality, or state government into the employee's annual leave bank.

Employees shall receive pay for their accumulated annual leave upon resignation, dismissal, retirement, or layoff. Should an employee die, payment of annual leave credit shall be made to the employee's estate. Should an employee die, resign, retire, or be laid off with a debt to the County, the County may withhold the amount of the debt from the employee or their estate in its final payment to the employee or estate.

No more than two years of earned annual leave accumulation shall be paid.

3.2.4. Maximum Accrual – Any employee with more than two (2) years of annual leave (based on their existing accrual rate on January 1 of each year) will have the excess leave converted to sick leave on January 1.

3.2.5. Cash Conversion - With the approval of the Departmental Director and subject to the following conditions, regular employees may convert up to 40 annual leave hours to cash. With the approval of the Departmental Director and the Grant Manager, grant-funded positions may convert up to 40 annual leave hours if the grant budget and terms allow.

3.2.5.1. Conditions:

- The employee must have taken at least 5 (consecutive) days of annual leave in the calendar year the conversion is requested. No other leave type may be used to meet the 5-day requirement.
- Only one conversion request will be approved for any employee in a calendar year.
- Any request is limited to a maximum of 40 hours per regular employee per calendar year.
- A minimum of 40 annual leave hours must be sold in any transaction.
- A balance of at least 40 annual leave hours must be retained.
- If an employee has participated in Parental Leave or Paid Family Leave, they are not eligible for a cash conversion for 12-months from the last day of their leave.

3.3. **Aggregate Service -** The employee's combined total period of countable service of employment within a regular position as an employee of Buncombe County, exclusive of any time allowed as transfer credit from another jurisdiction, for the purpose of determining entitlement to the particular benefit in question.

Aggregate service for retirement purposes refers to total length of service under which retirement contributions are paid into the N.C. Local Governmental Employees' Retirement System by the employee.

Aggregate service for determining the rates at which longevity and annual leave are earned by an employee is determined from the total years of service with Buncombe County only.

Rehired employees after October 30, 2018, or new hires from other government employers will be eligible for Annual Leave Accrual at rates commensurate with total years in service of Buncombe County plus other government employer(s) consistent with the Personnel Ordinance at the date as a new hire as described above.

Except as otherwise provided, rehired employees, and new hires from other North Carolina government employers, will be eligible only for the existing benefits at the time they are rehired, e.g., current health insurance plan, current 401K plan, etc. In addition, rehired employees will be eligible for a longevity rate with said accrual calculated based on the date of rehire (previous years of service will not be counted). For an employee hired on or after July 1, 2016, the employee shall not be eligible for a pro-rated longevity payment upon separation by retirement if the employee retires before December 1.

3.4. **Community Service Leave** – All regular employees are eligible to receive 16 hours of paid community service leave annually for use to volunteer at an elections site, a community service organization or school.

With the approval from their supervisor, employees may request or be assigned a work reassignment to work at another Buncombe County work location, such as an election day or a natural disaster.

3.5. **Conference Attendance** – A regular employee may be permitted leave with pay for the purposes of attending professional conferences, workshops, or educational meetings or classes when directly related to the employees' field of work. Request for such leave shall be submitted in writing to the Supervisor for his/her approval and final approval by the Department Head prior to the leave being taken. The County shall reimburse the employee for approved fees of the conferences, provided the employee submits proper receipts.

3.6. **County Holidays** – The County Manager develops and implements holiday pay administration procedures consistent with applicable federal and state laws. The Board of Commissioners must approve the offerings of all County observed holidays.

3.6.1. Eligibility: The following employees are eligible to receive Holiday Pay:

- Full-time regular and grant funded employees and officers of the County working the standard workweek.
- Each holiday equals no more than one normally scheduled shift.
- Should an employee work additional hours on the holiday, that have not been pre-approved by the Department Director, they will not earn additional holiday pay.
- Part-time regular and grant funded employees are eligible to receive paid holidays on a pro-rata basis. This calculation will be based on their annually scheduled hours.
- Temporary employees are not eligible to receive holiday pay.
- Employees who use Leave Without Pay for more than half of their normal pay period's hours (51% or greater) will not be eligible for holiday pay.
- A holiday calendar will be posted annually to show designated holiday observation dates.

3.6.2. Banked Holiday: Employees scheduled to work or who have received prior permission from their supervisor to work on a holiday, will receive banked holiday time for the hours actually worked on a county holiday.

3.6.3. Approved County Holidays:

- New Year's Day
- Martin Luther King Jr. Birthday
- Easter
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving (2 days)

- Christmas (3 days)

3.7. **Educational Leave with Pay** – A leave of absence at full or partial pay during regular working hours may be granted to a regular employee to take a required course or courses which shall better equip the employee to perform assigned duties upon approval of the department head.

The County shall reimburse the employee for tuition and fees for the course, provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better) of the course. An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which the employee is entitled.

3.8. **Emergency Leave -** Whenever the County Manager determines that the health and safety of the community would be placed at risk or that conditions or events prevent performance of regular operations, a decision will be made regarding the office hours of County offices.

The County manager shall develop and implement procedures for this leave status.

3.9. **Family and Medical Leave (FMLA) and Paid Family Medical Leave (PFML)** – Family and medical leave shall be provided in compliance with the Family and Medical Leave Act of 1993, as amended (“FMLA”) and the rules and regulations of the U.S. Department of Labor concerning FMLA. The County manager shall develop and implement family and medical leave policies and procedures consistent with the FMLA.

3.10. **Funeral/Bereavement Leave** – Employees are eligible for funeral leave in the event of a death of an immediate family member not to exceed three (3) days. The three (3) days need not be consecutive or immediate due to funeral or internment circumstances. Requested leave exceeding the maximum days, in aggregate, may be charged to sick leave or leave without pay.

Immediate family members are defined as:

- the employee’s spouse
- the employee’s children or stepchildren, parents, grandparents, grandchildren, brothers, or sisters
- the employee’s spouse’s parents

Leave for death of other relatives may be charged to sick leave, annual leave, PTO or leave without pay.

The County manager shall develop and implement procedures for this leave status.

3.11. **Leave without Pay (LWOP)** – Regular employees may be granted a leave of absence without pay for compelling personal reasons for up to thirty (30) calendar days per year.

3.11.1. LWOP requests must be submitted to the department director and approved by the Human Resources Director using the proper request form in Workday.

3.11.1.1. If leave without pay is for a department director, the request should be submitted to the Human Resources Director and approved by the County Manager.

3.11.2. Approval of leave will be based on many factors, including but not limited to, department needs, staffing levels, reason for the leave, employee's use of previous leave, performance history, and tenure with the County.

3.11.3. The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay.

3.11.3.1. If the employee decides not to return to work, the supervisor must be notified immediately of this decision, in writing.

3.11.3.2. The supervisor/department director is then required to notify Human Resources.

3.11.4. Failure to report at the expiration of a leave of absence, unless an extension has been granted by the County Manager, shall be considered a voluntary resignation.

3.11.5. Retention and Continuation of Benefits

3.11.5.1. An employee ceases to earn leave credits when their LWOP is 51% or more in a pay period.

3.11.5.2. The employee may continue to be eligible for benefits under the County's group insurance plans, subject to any regulations adopted by the Board of County Commissioners and the regulations of the respective insurance carriers.

3.11.5.3. While an employee is on paid leave, Buncombe County will continue the employee's insurance benefits during the leave period at the same level, and under the same conditions as if the employee had continued to work.

3.11.5.4. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. If the employee is using unpaid leave, then the employee's portion of the benefit will be taken out of the employee's paycheck upon his/her return to work.

3.11.5.5. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, Buncombe County will require the employee to reimburse Buncombe County the amount it paid for the employee's insurance premiums during the leave period.

3.11.5.6. Buncombe County may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

The County manager shall develop and implement procedures for this leave status.

3.12. **Mandatory Court Appearances –** Leave with pay is provided to employees when serving on a jury or when subpoenaed as a witness in a case in connection with his/her official duties. At the completion of jury duty or as a witness, the employee is expected to immediately return to work. While on jury duty or when subpoenaed as a witness in connection with the employee's official duties, benefits and leave shall accrue as though the employee were on regular duty.

3.12.1. Jury Duty –Regular employees called for jury duty in State or Federal Court shall receive leave with pay for such duty during the required absence.

3.12.1.1. The employee must code this time on their timesheet as Jury Duty.

3.12.1.2. The employee will not be required to account for any fee or compensation received for jury service.

3.12.1.3. Temporary employees are not eligible for jury duty leave.

3.12.2. Witness – A regular employee subpoenaed as a witness in a case in State or Federal Court in connection with his/her official duties shall receive regular compensation for said court appearance. All witness fees received by the employee must be submitted to the County upon receipt.

3.12.3. Subpoena – employees who are subpoenaed as a witness in State or Federal Court in a case which is not related to their official duties must use annual leave or PTO leave during this absence.

3.12.3.1. Witness fees and travel expenses are to be retained by the employee.

The County manager shall develop and implement procedures for this leave status.

3.13. **Military Leave –** In accordance with federal and state laws, the County provides military leave to employees who are members of the uniformed services for absences to perform military duty, whether voluntary or involuntary. Absences to perform any military duty (including active duty, active-duty training inactive duty training such as scheduled drills and summer camp, full-time duty, fitness-for-duty examination, and funeral honors duty) are covered in the Military Leave Procedures document, unless the employee reaches the five-year maximum of military leave as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

The County manager shall develop and implement procedures for this leave status.

3.14. **Parental Leave –** Regular employees of school aged children may take up to four hours of unpaid leave for participation in their child’s school events and conferences. The leave must be planned with the Supervisor in advance. The supervisor may ask for written confirmation that the employee has attended the school event as planned.

3.15. **Personal Time Off (PTO)** – Full-time regular employees are granted two PTO days after they complete their first day of work and then on the first day of each calendar year. Any unused PTO at the end of the calendar year shall be forfeited. Part-time regular employees shall receive PTO on a pro-rata basis computed as a percentage of the total amount received by a full-time employee.

The County will not transfer PTO from another county, municipality, or state government. Upon an employee’s resignation or termination, no payment shall be made for any remaining PTO and such PTO is forfeited.

The County manager shall develop and implement procedures for this leave status.

3.16. **Sick Leave** – All employees subject to the Local Government Employees' and Law Enforcement Officers' Retirement Systems who are in a pay status for ten (10) or more workdays are eligible for sick leave time that can be used to recover from physical/mental illness or injury.

3.16.1. Full time employees who work 40 hours or more each week earn sick leave at the rate of 3.6923 hours per payroll period or 12 days per year.

3.16.2. Part time employees whose normal work week is less than forty (40) hours per week shall earn sick leave proportionally on a pro-rata basis.

3.16.3. For employees that are scheduled to work twelve-hour (12) shifts, sick leave will be accrued based on twelve (12) shifts per year.

Sick leave may be used for:

- Physical or mental illness or injury which prevents an employee from performing usual duties and for the actual period of temporary disability
- Medical appointments
- Illness of a member of the employee's immediate family. For purposes of this section, immediate family shall be as defined under the Family and Medical Leave Act.

The employee must notify their supervisor no later than thirty (30) minutes before the beginning of the employees scheduled work shift. Emergency Services and Public Communication/911 employees must notify their supervisor no later than an hour and a half (90) minutes before the beginning of the employees scheduled work shift.

Sick leave shall be authorized in minimum increments of one-quarter (¼) hour periods.

The department director (or designee) may require a statement from a health care provider or other acceptable proof that the employee was unable to work due to personal illness, family illness, or medical appointment.

- Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave unless that day is their normally scheduled shift.
- No payment shall be made for accumulated sick leave credits at the time of the employee's separation.

Unused sick leave shall be accepted for employees hired, rehired or reinstated within three (3) years of their last workday provided the employee earned sick leave while under the North Carolina's Employees' and Teachers' Retirement System, North Carolina Local Government Employees' Retirement System, or North Carolina Law Enforcement Officers' Retirement System. In consultation with the Human Resources Office, the Risk Manager will ensure that employees are credited with sick leave accrued during time lost due to on-the-job injuries.

After completion of the first six months of continuous employment, the County of Buncombe may allow a new County regular employee to transfer all days of previously accumulated sick leave accrued while employed by a State of North Carolina, County, or Municipal jurisdiction. Sick leave is allowed creditable service at the time of retirement to employees who are members of the N.C. Local Governmental Employees' Retirement System. One month of credit is allowed for each twenty days of unused sick leave when the employee retires and an additional month for any part of twenty days left over. Any conflict between this section and the LGERS regulations, the LGERS regulations shall prevail.

The County manager shall develop and implement procedures for this leave status.

3.17. **Voluntary Shared Leave** – In catastrophic cases where an employee is without leave due to a prolonged medical condition, they may receive donated annual leave from other Buncombe County employees.

The County manager shall develop and implement procedures for this leave donation program.

4. Policy Non-Compliance

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

5. Audit

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

6. **Definitions**

6.1. **Community Service Organization** - A non-profit, non-partisan community organization that is designated as an IRS Code 501(c)(3) agency, or a human service organization licensed or accredited by the State of North Carolina to serve citizens with special needs including children, youth, and the elderly.

6.2. **Family and Medical Leave (FMLA)** - The Family and Medical Leave Act (FMLA) is a federal regulation that provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave per year.

6.3. **Full time employee** – for this policy, a full-time employee is defined as working at a minimum of forty (40) hours a week.

6.4. **Immediate Family** – is defined as the employee's spouse; the employee's children or stepchildren, parents, grandparents, grandchildren, brothers, or sisters; or the employee's spouse's parents. Regarding FMLA, the definition of immediate family member is defined by the US DOL.

6.5. **Part time employee** – for this policy, a part-time employee is defined as working a minimum of 20 - 39 hours a week.

6.6. **Pro-rata accrual** – Is where leave is calculated for accrual purposes proportionally based on the number of days/hours the employee works in a year.

6.7. **School** - An elementary school, a middle school, a high school, or a childcare program that is authorized to operate under the laws of the State of North Carolina

6.8. **Uniformed Services Employment and Reemployment Rights Act (USERRA)** is a federal law that protects military service members and veterans from employment discrimination on the basis of their service and allows them to regain their civilian jobs following a period of uniformed service.

6.9. **Volunteer** – A person who willingly chooses to perform hours of service for civic, charitable, or humanitarian reasons without promise or expectation of compensation for services provided

7. Approval and Revision History

Policy Origination Date:	May 9, 2022
Requires Board Approval:	☒Yes ☐No
Board Approval Date:	December 6, 2022
Revision History:	**11/01/2022** - edited Community Service Leave **12/06/2022** – Added maximum accrual language, changed inclement weather leave to emergency closure leave. Added language regarding accruing annual leave, the manner of taking annual leave and annual leave payout upon separation. Adding language regarding the transferability of sick leave. **5/2/23** – Change: Juneteenth holiday now aligns with the federal holiday calendar.

Buncombe County Government Holiday Calendar

2023 (Remainder of Calendar year 2023)

- May 29, 2023 (Monday) Memorial Day
- June 19, 2023 (Monday) Juneteenth
- July 4, 2023 (Tuesday) Independence Day
- September 4, 2023 (Monday) Labor Day
- November 10, 2023 (Friday) Veterans Day
- November 23, 2023 (Thursday) Thanksgiving
- November 24, 2023 (Friday) Thanksgiving
- December 25, 2023 (Monday) Christmas Day
- December 26, 2023 (Tuesday) Christmas Holiday
- December 27, 2023 (Wednesday) Christmas Holiday

2024

- January 1, 2024 (Monday) New Year's Day
- January 15, 2024 (Monday) Martin Luther King Day
- March 29, 2024 (Friday) Good Friday/Easter
- May 27, 2024 (Monday) Memorial Day
- June 19, 2024 (Wednesday) Juneteenth
- July 4, 2024 (Thursday) Independence Day
- September 2, 2024 (Monday) Labor Day
- November 11, 2024 (Monday) Veterans Day
- November 28, 2024 (Thursday) Thanksgiving
- November 29, 2024 (Friday) Thanksgiving
- December 25, 2024 (Wednesday) Christmas Day
- December 26, 2024 (Thursday) Christmas Holiday
- December 27, 2024 (Friday) Christmas Holiday

2025

- January 1, 2025 (Wednesday) New Year's Day
- January 20, 2025 (Monday) Martin Luther King Day
- April 18, 2025 (Friday) Good Friday/Easter
- May 26. 2025 (Monday) Memorial Day
- June 19, 2025 (Thursday) Juneteenth
- July 4, 2025 (Friday) Independence Day
- September 1, 2025 (Monday) Labor Day
- November 11, 2025 (Tuesday) Veterans Day
- November 27, 2025 (Thursday) Thanksgiving
- November 28, 2025 (Friday) Thanksgiving
- December 24, 2025 (Wednesday) Christmas Holiday
- December 25, 2025 (Thursday) Christmas Day (Observed)
- December 26, 2025 (Friday) Christmas Holiday

2026

- January 1, 2026 (Thursday) New Year's Day
- January 19, 2026 (Monday) Martin Luther King Day
- April 3, 2026 (Friday) Good Friday/Easter
- May 25. 2026 (Monday) Memorial Day
- June 19, 2025 (Friday) Juneteenth
- July 3, 2026 (Friday) Independence Day
- September 7, 2026 (Monday) Labor Day
- November 11, 2026 (Wednesday) Veterans Day
- November 26, 2026 (Thursday) Thanksgiving
- November 27, 2026 (Friday) Thanksgiving
- December 24, 2026 (Thursday) Christmas Holiday
- December 25, 2026 (Friday) Christmas Day
- December 28, 2026 (Monday) Christmas Holiday

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Consent Agenda

Department: Tax Collections **Presenter(s):** Jennifer Pike/Michael Frue

Contact(s): Jennifer Pike/Michael Frue

Subject: Extension and modification of Collection Agreement for the Town of Weaverville

Brief Summary: On or about July 1, 2020 the County and the Town of Weaverville entered into an agreement for the County to bill and collect real estate, business personal, personal property taxes, including other fees and taxes related to motor vehicles, and any lien for special assessments made and confirmed by the Town. A condition of the agreement included an end date of June 30, 2023 with an option to renew the agreement for three years. The County proposed an amendment to the agreement providing an initial renewal term of two years, ending June 30, 2025, followed by renewal term of three years to provide consistent end dates/renewal periods among municipal collection agreements.

Paragraph 2 of the Agreement is deleted and replaced with the following: Unless sooner terminated as herein provided, the parties hereto may extend this Agreement for an initial extended term of two (2) years beginning July 1, 2023 and ending June 30, 2025 and then the parties may extend this Agreement for successive terms of three (3) years each provided such extensions are agreed to between the parties in writing.

Recommended Motion & Requested Action: Approve extension and modification of Collection Agreement with Town of Weaverville on consent.

County Manager's comments and Recommendation: Recommends approval.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

EXTENSION AND MODIFICATION OF TAX COLLECTIONS AGREEMENT

This Extension of Tax Collections Agreement made and entered into effective as of July 1, 2023 by and between County of Buncombe, a political subdivision of the State of North Carolina (hereinafter sometimes "County") and the Town of Weaverville, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter sometimes referred to herein as “Town”) collectively herein sometimes referred to as the “Parties.”

Witnesseth:

Whereas, on or about July 1, 2020 the Parties entered into a tax collections agreement "(Agreement") pursuant to General Statutes 153A-445 and Article 20 of Chapter 160A of the North Carolina General Statutes in order to jointly exercise any function which they have been granted the power to exercise alone and to enter into contracts or agreements to specify the details of these joint undertakings;

Whereas, the Agreement provides that the County will bill and collect both the County and Town taxes upon the terms and conditions set forth therein for a Three (3) year period beginning July 1, 2020 and ending June 30, 2023; and

Whereas, as provided in the Agreement, the Parties desire to extend the Agreement for an additional term consistent with the terms of the County’s collections agreements with other municipalities.

Now Therefore, in consideration of the mutual covenants of the parties hereto and for the purposes aforesaid, it is hereby agreed between the County and Town as follows:

A. That paragraph 2 of the Agreement is modified to read as follows:

> Unless sooner terminated as herein provided, the parties hereto may extend this Agreement for an initial extended term of two (2) years beginning July 1, 2023 and ending June 30, 2025 and then the parties may extend this Agreement for successive terms of three (3) years each provided such extensions are agreed to between the parties in writing.

B. That for avoidance of doubt the parties understand and agree that as agree to by Addendum to Collection Agreement in about April 2021, paragraph 8 now reads:

> That the portion of tax collections to which the Town is entitled shall be paid to the Town by electronic transfer into an account identified by the Town Finance director by monthly electronic transfer for the preceding month’s receipts. The town finance director may request to change the account to which such month deposits are made by the County by giving thirty (30) days advance notice. The County will make reasonable efforts to accommodate such a request.

C. 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.

D. That each and every other of the terms and conditions of the said original Agreement remain in full force and effect except as modified herein.

E. 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 executed this Extension of Tax Collections Agreement as of the day and year set forth below.

BUNCOMBE COUNTY

By: ______________________________
Avril M. Pinder, County Manager

ATTEST:

____
Lamar Joyner, Clerk to the Board

TOWN OF WEAVERVILLE

By: P Fitzsimmons
Patrick Fitzsimmons, Mayor

ATTEST:

____
James Eller, Town Clerk

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

____
Name: Tonya Dozier
Finance Officer, Town of Weaverville

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Consent Agenda

Department: Justice Services

Presenter: Hannah Legerton, Justice Services **Contact:** Hannah Legerton

Subject: Approval of Updated JCPC County Funding Plan for FY2022-2023

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; previous FY22-23 versions were approved on June 7, 2022 and November 15, 2022.

Eliada Students Training for Advancement (ESTA) closed on January 31, 2023, with $32,964 of unspent JCPC funds. Buncombe County Youth Justice Clinical Program had a delayed start of programming, decreasing FY22-23 funds needed by $16,028.

Current JCPC programs were invited to submit proposals for the remaining $48,992. The JCPC recommends reallocating funds to:

- $38,992 to *Buncombe Structured Day* to purchase a van for program transportation.
- $5,000 to *Teen Court* and $5,000 to *Earn and Learn Restitution* for program expansion to support direct referrals from schools as alternatives to suspension.

The reallocations process will be completed through in-county transfers between existing programs. Funds are required to be spent by June 30, 2023. The JCPC has completed necessary requirements and is in compliance per JCPC policies.

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

County Manager's Comments and Recommendation: Recommends approval.

Buncombe County
NC DPS - Community Programs - County Funding Plan

Available Funds: $ $644,477 Local Match: $ $226,061 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 County Cash Match	LOCAL FUNDING Local Cash Match	LOCAL FUNDING Local In-Kind	OTHER State/ Federal	OTHER Funds	Total	% Non DPS-JCPC Program Revenues
1	JCPC Administration	$15,500						$15,500	
2	Teen Court	$101,799			$31,600			$133,399	24%
3	Earn and Learn	$212,021			$63,606			$275,627	23%
4	Aspire Kids at Work & The Connection	$85,263			$30,697			$115,960	26%
5	Eliada Student Training for Advancement	$36,690	$7,050	$12,436				$56,176	35%
6	PIVOTPoint	$84,112		$25,234				$109,346	23%
7	Buncombe Structured Day	$77,031		$11,698	$32,258			$120,987	36%
8	Buncombe County Youth Justice Clinical Program	$32,061	$11,482					$43,543	26%
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
	TOTALS:	$644,477	$18,532	$49,368	$158,161			$870,538	26%

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 2022-2023.

Amount of Unallocated Funds ____________

Amount of funds reverted back to DPS ____________

Discretionary Funds added ____________

Chairperson, Juvenile Crime Prevention Council (Date)

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

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

ver 03/04/2016

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: May 2, 2023

Consent Agenda

Department: Agriculture and Land Resources **Presenter(s):** John Hudson, Budget Director

Contact(s): Jennifer Harrison, Agriculture and Land Resources Director
Ariel Zijp, Farmland Preservation Manager

Subject: Establish Three Conservation Easement Projects and Increase an Existing Project

Brief Summary: The Buncombe County Agricultural Advisory Board (AAB) requests transaction costs for two new donation easement projects from FY23 Conservation Easement funds. The two projects consist of Tone Hollar Farm in Weaverville, and Soden Farm in Fairview and will be held by Buncombe County Soil and Water Conservation District. The existing Ramsey Farm project needs an increase to its existing budget due to grant related expenses.

The Land Conservation Advisory Board (LCAB) requests transaction costs for one new conservation easement project from FY23 Conservation Easement funds. The easement is at the Lake Eden Preserve in Black Mountain and will be held by Southern Appalachian Highlands Conservancy.

•Tone Hollar Farm, 23 Acres in Weaverville - $34,000
•Soden Farm, 47 Acres in Fairview - $45,000
•Ramsey Farm, 40 Acres in Weaverville - $20,000
•Lake Eden Preserve, 336 acres in Black Mountain - $45,200

This aligns with the Board of Commissioner's 2025 Strategic Plan Goal: Preserve farmland and environmentally sensitive tracts as well as the goal of protecting 20% of Buncombe County lands by 2030.

Buncombe County currently has 78,936 acres of land protected. With these additional 406 acres, Buncombe County will conserve 79,342 acres and will need 4,754 additional acres to achieve the 20% by 2030 conservation goal.

No new funding is required. Approving the budget amendment will allocate $144,200 of the $750,000 FY23 Conservation Easements allocation, leaving $65,800 still available.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-05-02

BUNCOMBE COUNTY, NORTH CAROLINA

Special Projects Ordinance

BOARD MEETING DATE: May 2, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Special Projects outlined below in Exhibit "A" to the budget,

NOW THEREFORE,

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

1. That the FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 2nd day of May, 2023

Project Name: Establish Three Conservation Easement Projects & Increase an Existing Project

Description: The Buncombe County Agricultural Advisory Board (AAB) requests transaction costs for two new donation easement projects from FY23 Conservation Easement funds. The two projects consist of Tone Hollar Farm in Weaverville, and Soden Farm in Fairview and will be held by Buncombe County Soil and Water Conservation District. The existing Ramsey Farm project needs an increase to its existing budget due to grant related expenses.

The Land Conservation Advisory Board (LCAB) requests transaction costs for one new conservation easement project from FY23 Conservation Easement funds. The easement is at the Lake Eden Preserve in Black Mountain and will be held by Southern Appalachian Highlands Conservancy.

•Tone Hollar Farm, 23 Acres in Weaverville - $34,000
•Soden Farm, 47 Acres in Fairview - $45,000
•Ramsey Farm, 40 Acres in Weaverville - $20,000
•Lake Eden Preserve, 336 acres in Black Mountain - $45,200

Funding Source: FY23 Conservation Easements funding. No new County dollars required.

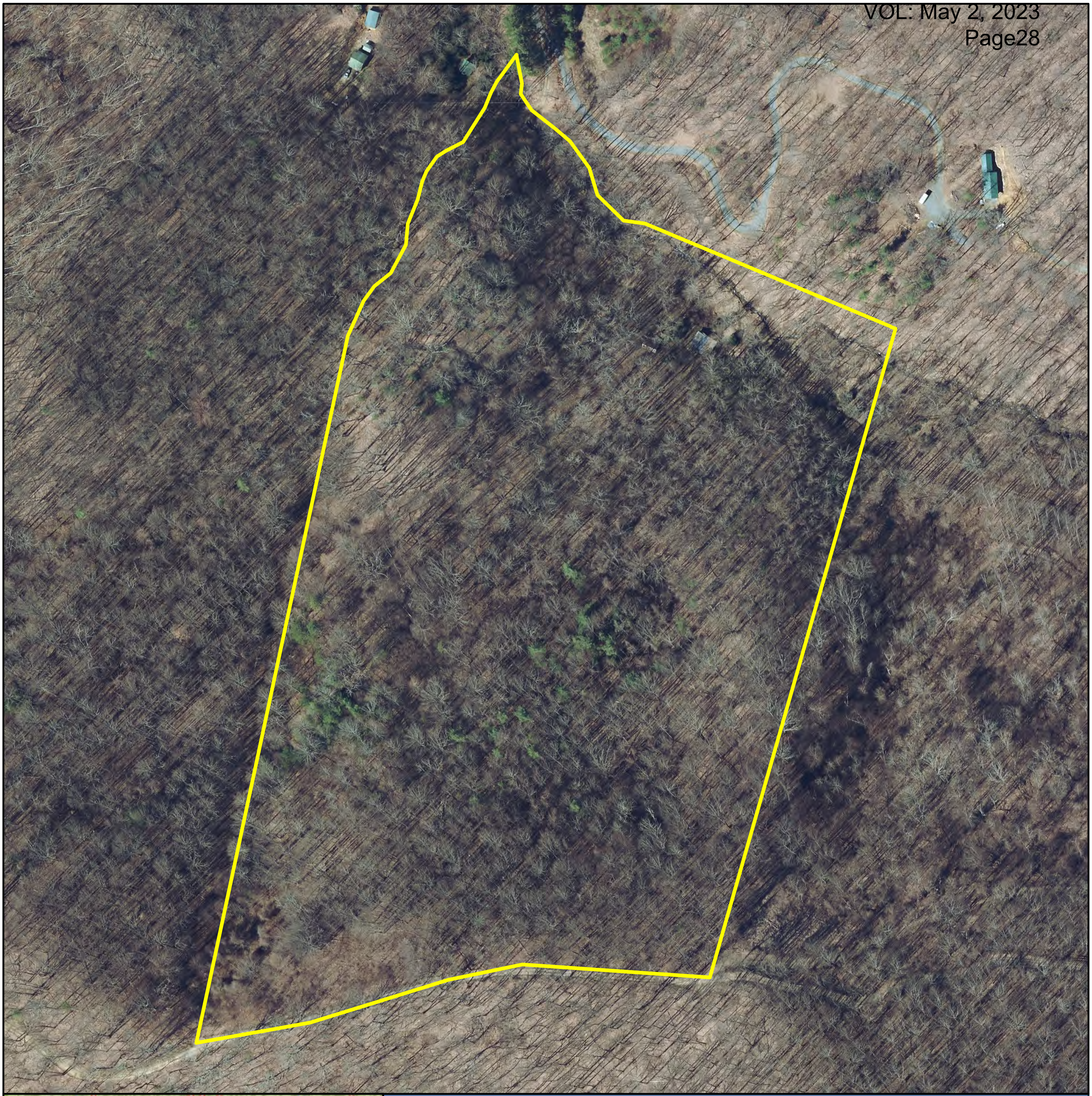
Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 224 - Future Conservation Easements	$ (144,200)	$ (144,200)
Fund 224 - Tone Hollar Farm	$ 34,000	$ 34,000
Fund 224 - Soden Farm	$ 45,000	$ 45,000
Fund 224 - Lake Eden Preserve	$ 45,200	$ 45,200
Fund 224 - Ramsey Preservation	$ 20,000	$ 20,000
TOTAL	$ -	$ -

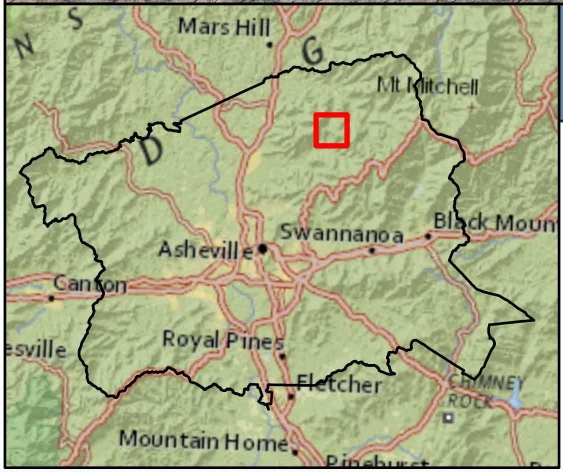
ATTEST:

Lamar Joyner
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board



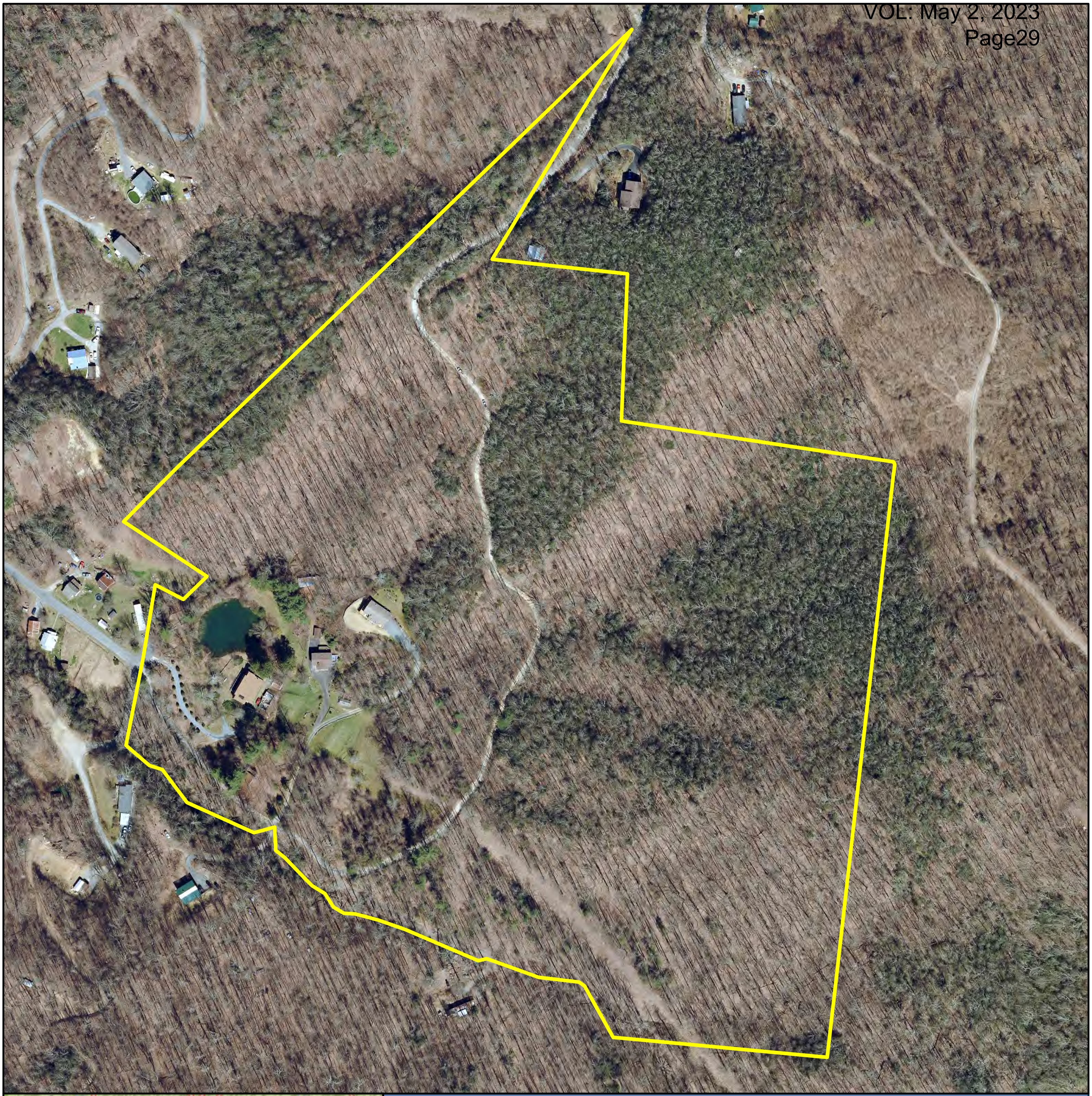


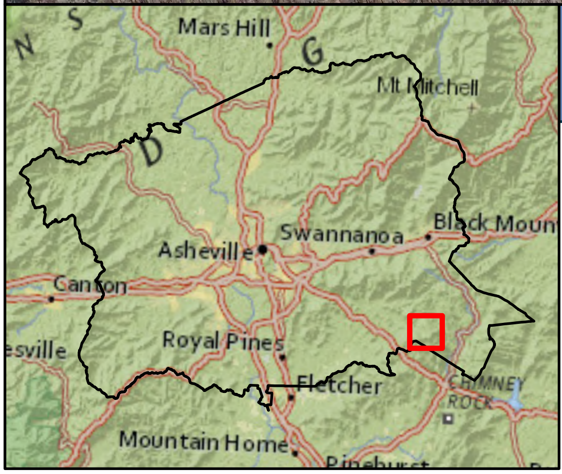
Tone Holler Farm Conservation Easement Map
+/- 23 acres

Easement Boundary

0 140 280 560 US Feet

N



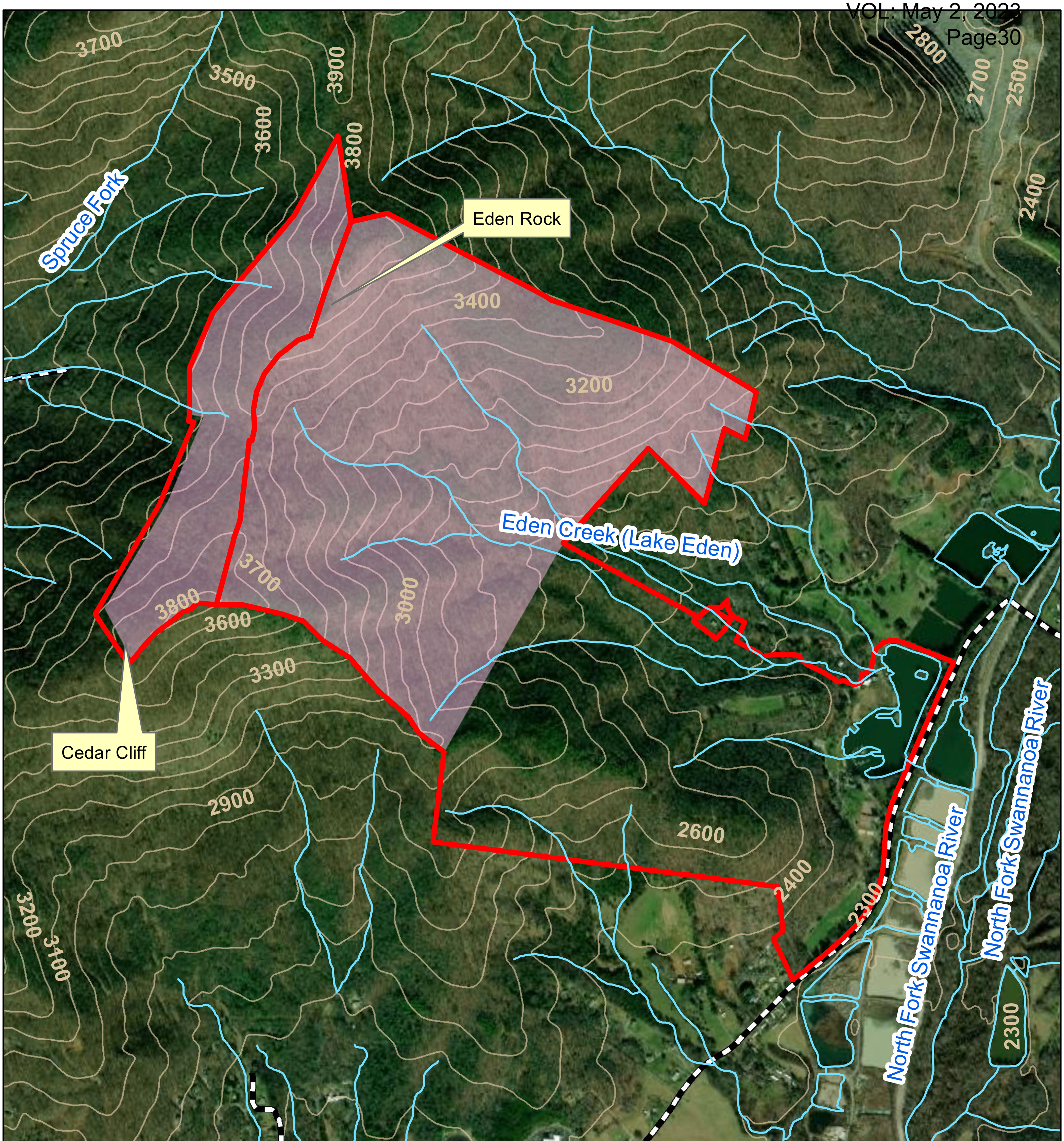


Soden Farm Conservation Easement Map
+/- 48 acres

Easement Boundary

0 200 400 800 US Feet

N



Lake Eden Preserve/Camp Rockmont Aerial Map

Map by SAHC, March 2023

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: May 2, 2023

Consent Agenda

Department: Health & Human Services **Presenter(s):** John Hudson, Budget

Contact(s): Stoney Blevins, Director
Jennifer Teague, Adult and Aging Services Manager

Subject: APS Essential Services Fund

Brief Summary: The Division of Aging and Adult Services (DAAS) has allocated additional American Rescue Plan Act (ARPA) funding to an Adult Protective Services (APS) Essential Services Fund under SSA Title XX Section 2042(b) in the amount of $24,542. This funding allows county departments of social services to provide essential services for adults for whom the need for protective services has been substantiated. These funds will assist adults to age in place, eliminating unnecessary institutionalization and promoting opportunities to return to a community-based setting when possible. Effective January 1, 2023 through June 30, 2023.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-05-03

BUNCOMBE COUNTY, NORTH CAROLINA

Grant Projects Ordinance

BOARD MEETING DATE: May 2, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Grants Projects outlined below in Exhibit "A" to the budget,

NOW THEREFORE,

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

1. That the FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 2nd day of May, 2023

Requesting Department:	Division of Social Services
Grant Name:	APS Essential Services Fund

Description:
The Division of Aging and Adult Services (DAAS) has allocated additional American Rescue Plan Act (ARPA) funding to an Adult Protective Services (APS) Essential Services Fund under SSA Title XX Section 2042(b) in the amount of $24,542. This funding allows county departments of social services to provide essential services for adults for whom the need for protective services has been substantiated. These funds will assist adults to age in place, eliminating unnecessary institutionalization and promoting opportunities to return to a community-based setting when possible. Effective January 1, 2023 through June 30, 2023.

Funding Source:
American Rescue Plan Funding through NC DAAS

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Grant Revenue	$ 24,542	
Program Support		$ 24,542
TOTAL	$ 24,542	$ 24,542

ATTEST:

Lamar Joyner
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Presentations

Department: HHS Adult Protective Services

Presenter(s): Jennifer Teague/Billie Breeden

Contact(s): Jennifer Teague/Billie Breeden

Subject: Older Americans Month Proclamation

Brief Summary: Recognition of Older Americans Month Proclamation in Buncombe County for May, 2023.

County of Buncombe

Proclamation

OLDER AMERICANS MONTH

Whereas, Buncombe County is home to over 78,000 older Americans over the age of sixty, who contribute their time, wisdom, and experience to our community, thus, benefiting the economic, social, and cultural wellbeing of Buncombe County; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

Whereas, the Buncombe County Board of Commissioners and partner agencies recognize our need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible; and

Whereas, Buncombe County can work to build an even better community for our older residents by:

- Planning programs that encourage participation in work, civic, and community life,
- Ensuring activities are responsive to individual needs and preferences,
- Increasing access to services that support aging in place,
- Embracing the diversity of older Americans in our community, and
- Emphasizing the positive views of aging and acknowledging that all of us are aging.

Now, therefore, the Buncombe County Board of Commissioners do hereby proclaim May 2023 to be **Older Americans Month**. We urge every resident to recognize the contributions of our older neighbors, help to create an inclusive society, and join efforts to support older Americans' choices about how they age in their communities.

Brownie Newman

Brownie Newman, Chairman
Buncombe County Board of Commissioners

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Presentations

Department: Equity & Human Rights Office **Presenter: Dr. Noreal Armstrong**

Contacts: Dr. Noreal Armstrong

Subject: Asian American and Pacific Islander Heritage Month Proclamation

Brief Summary: Recognition of Asian American and Pacific Islander Heritage Month in Buncombe County for May 2023.

County of Buncombe

Proclamation

ASIAN AMERICAN & PACIFIC ISLANDER HERITAGE MONTH

WHEREAS, Buncombe County is committed to reflecting the concerns and needs of the Asian American and Pacific Islander communities; and

WHEREAS, Asian American and Pacific Islander Heritage Month seeks to honor and recognize the contributions of Pacific Islanders, East Asians, South Asians, Southeast Asians, and West Asians; and

WHEREAS, Asian Americans and Pacific Islanders have played a significant role in America's history, with their enormous contributions to science, arts, industry, government, and commerce; and

WHEREAS, traders from the Asia-Pacific region reached North America as early as the 16th century, but the first significant wave of immigration began during the late 1800s; and

WHEREAS, Asian American and Pacific Islander Heritage Month originated in a congressional bill in June of 1977. On March 28, 1979, President Carter issued Presidential Proclamation 4650, proclaiming the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week; and

WHEREAS, the month of May was selected as it honors the immigration of the first Japanese residents to the United States in 1843; and

WHEREAS, while May also marks the completion of the Transcontinental Railroad in 1869, constructed by the labor of mostly Chinese immigrants, we recognize Chinese laborers were paid lower wages than their white peers and some faced physical abuse from their supervisors; and

WHEREAS, the population of people who identify as Asian or Pacific Islander in Buncombe County is just shy of two percent, the artistic, culinary, and educational contributions are immeasurable; and

WHEREAS, we are also aware of and deeply concerned about the dramatic increase in the violent and hateful crimes and incidents targeting AAPI communities; and

WHEREAS through our values of respect, integrity, collaboration, honesty, and equity, we honor AAPI individuals and stand in solidarity with the AAPI community as we work to dismantle systemic racism; and

WHEREAS, a vast diversity of languages, religions, and cultural traditions of Asian Americans and Pacific Islanders strengthens the fabric of American society and our Buncombe County community

NOW, THEREFORE, the Buncombe County Board of Commissioners proclaims May 2023 to be **ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH** and urges our community to join together in celebrating our residents of Asian and Pacific Island heritage and in making this period of rededication to the principles of justice and equality for all people.

Brownie Newman
Brownie Newman, Chairman
Buncombe County Board of Commissioners

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Presentations

Department: Finance

Presenter(s): Mason Scott

Contact(s): Mason Scott

Subject: FY2023 3rd Quarter Financial Update

Brief Summary: Staff will provide the Board with an update on revenues and expenditures for the third quarter of fiscal year 2023.

Recommended Motion & Requested Action: No action is required

County Manager's comments and Recommendation: None

BUNCOMBE COUNTY FINANCIAL QUARTERLY REPORT

FY2023 - FOR THE QUARTER ENDING MARCH 31

TABLE OF CONTENTS

SIGNIFICANT FINANCIAL HIGHLIGHTS

The information in this report reflects the financial highlights for Buncombe County through March 31, 2023, which is 75% of the way through the year. This information is unaudited.

At the end of third quarter fiscal year 2023, the assumption is that revenues and expenditures will be at least at 75% of budget, however due to the timing of revenue collection and payment disbursements, this is not the case. Sales Tax has a 3-month lag from the time the transaction occurs until disbursement to the County, for example, revenues arising from sales or purchases in December are not disbursed by the State until mid-March.

General Fund budgeted revenues are $408.9 million and actual revenues as of March 31 are $333.8 million or 81.6% of budgeted revenue and compared to last year at the same time, revenues are 5% above fiscal year 2022.

General Fund budget expenditures are $408.9 million and actual expenditures as of March 31 are $275.4 million or 67.4% of budget and compared to the same time last year, expenditures are above fiscal year 2022 by 12.2%. At this point, all categories of expenditures are coming in under budget. There are no areas of concern regarding expenditures compared to budget. Staff will continue to monitor the budget to actual and provide regular reports to the Commissioners.

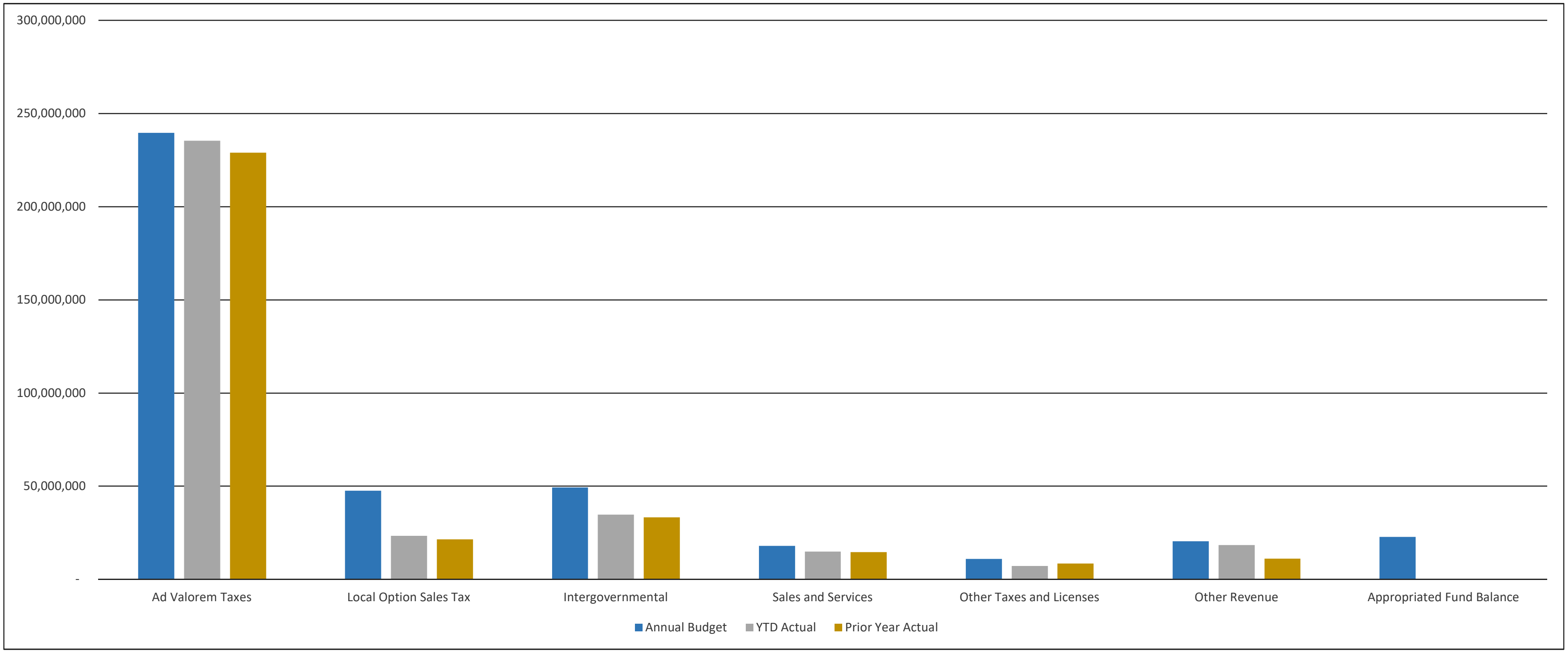
The Solid Waste Fund which accounts for landfill and transfer station operations is an enterprise fund and operates like a business. The budgeted revenues are $16.1 million and actual revenues as of March 31 are $8.4 million or 51.9% of budget and compared to last year at the same time, revenues are below fiscal year 2022 by 2%. Since this fund operates like a business, revenues are fee based and dependent upon usage.

Solid Waste budgeted expenditures are $16.1 million and actual expenditures to date are $7.2 million or 44.6% of budget. Compared to the same time last year, expenditures are lower than fiscal year 2022 by 2.7%. At this point, there are no areas of concern regarding expenditures compared to budget.

The County Capital Projects Fund is a multi-year fund that accounts for County capital projects funded through general government resources and financing that will most likely span multiple years. The projects approved for 2023 have a total budget of $16.3 million and actual expenditures to date total $880,656 or 5.4%. Due to the nature of capital projects, a significant portion of expenditures may not occur in the year the budget was established.

A. 1.

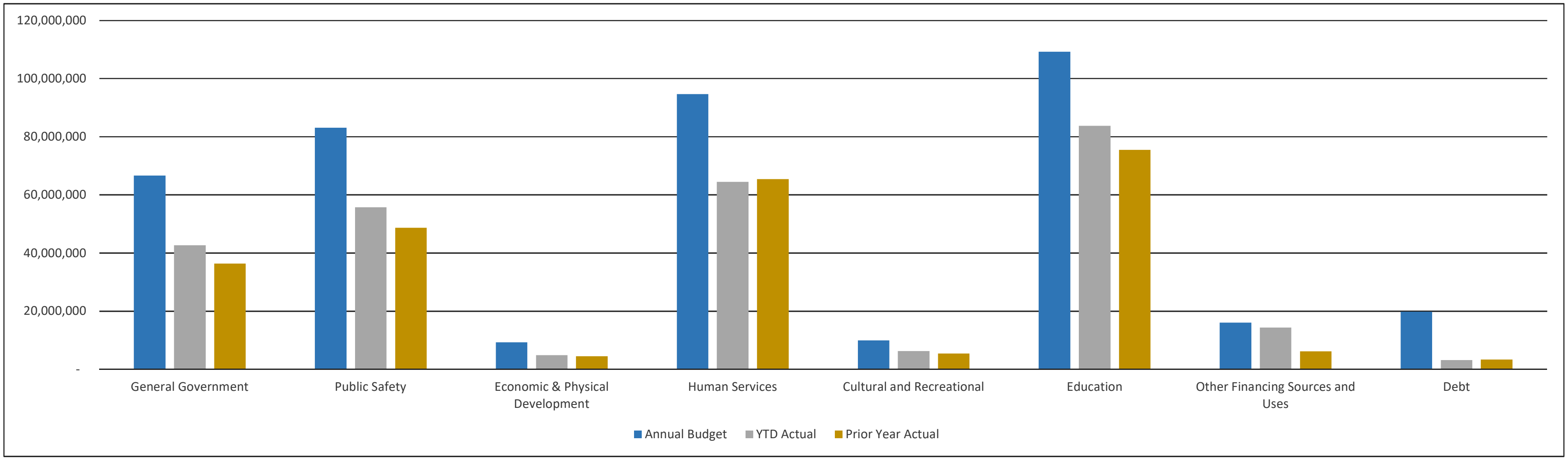
GENERAL FUND				
REVENUES BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Ad Valorem Taxes	239,659,247	235,365,534	98.2%	229,013,651
Local Option Sales Tax	47,527,393	23,292,300	49.0%	21,437,742
Intergovernmental	49,381,697	34,724,952	70.3%	33,309,235
Sales and Services	17,908,468	14,833,737	82.8%	14,597,173
Other Taxes and Licenses	11,018,000	7,154,220	64.9%	8,516,645
Other Revenue	20,502,939	18,445,396	90.0%	11,082,778
Appropriated Fund Balance	22,852,649	-	0.0%	-



A. 2.

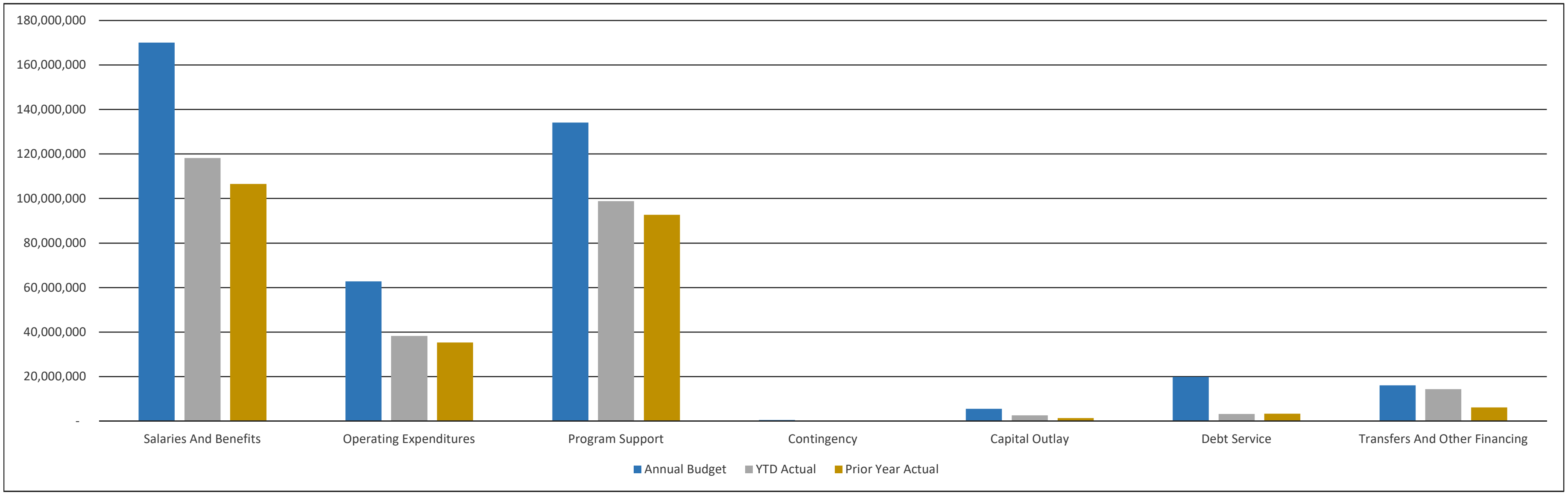
GENERAL FUND

EXPENDITURE BY FUNCTION	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
General Government	66,610,225	42,675,533	64.1%	36,324,545
Public Safety	83,050,536	55,747,877	67.1%	48,622,113
Economic & Physical Development	9,366,826	4,939,771	52.7%	4,547,283
Human Services	94,652,485	64,447,191	68.1%	65,422,352
Cultural and Recreational	9,966,490	6,322,770	63.4%	5,466,461
Education	109,226,848	83,713,884	76.6%	75,480,385
Other Financing Sources and Uses	16,089,025	14,381,036	89.4%	6,199,671
Debt	19,887,958	3,186,149	16.0%	3,378,163



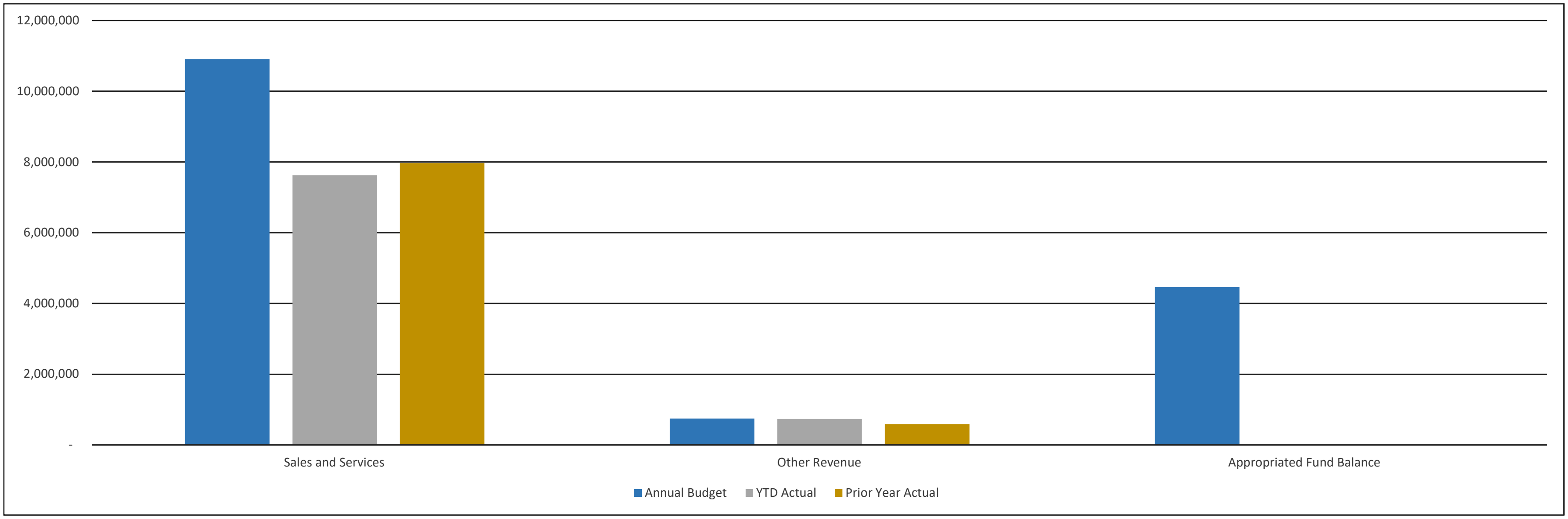
A. 3.

GENERAL FUND EXPENDITURE BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Salaries And Benefits	170,017,742	118,223,642	69.5%	106,494,481
Operating Expenditures	62,740,466	38,207,787	60.9%	35,268,386
Program Support	134,114,213	98,861,538	73.7%	92,746,528
Contingency	500,000	-	0.0%	-
Capital Outlay	5,500,989	2,554,059	46.4%	1,353,743
Debt Service	19,887,958	3,186,149	16.0%	3,378,163
Transfers And Other Financing	16,089,025	14,381,036	89.4%	6,199,671



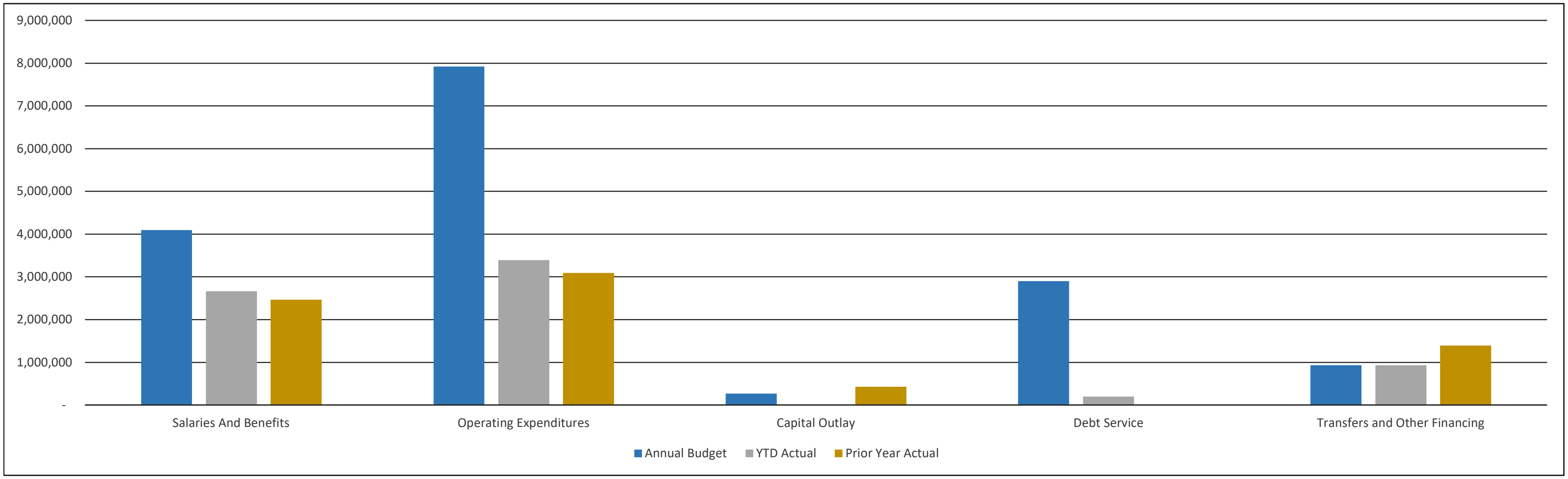
B. 1.

SOLID WASTE FUND REVENUES BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Sales and Services	10,909,914	7,621,306	69.9%	7,964,253
Other Revenue	744,693	741,826	99.6%	584,777
Appropriated Fund Balance	4,464,857	-	0.0%	-



B. 2.

SOLID WASTE FUND EXPENDITURE BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Salaries And Benefits	4,097,530	2,662,569	65.0%	2,464,798
Operating Expenditures	7,918,469	3,389,362	42.8%	3,090,268
Capital Outlay	270,663	-	0.0%	426,775
Debt Service	2,897,802	198,385	6.8%	6,005
Transfers and Other Financing	935,000	935,000	100.0%	1,395,000



C.

COUNTY CAPITAL PROJECTS - FY2023 APPROVED				
EXPENDITURE BY PROJECT	**FY2023 Budget**	**YTD Actual**	**LTD Actual**	**% of Expended**
FY23 Electric Vehicle Charging Infrastructure	120,000	68,180	68,180	56.8%
FY23 EMS Base Construction	7,250,000	-	-	0.0%
FY23 Facility Assessment - Renovation	4,010,000	48,427	48,427	1.2%
FY23 Library Renovation	691,654	-	-	0.0%
FY23 Recreation Services Master Plan	200,000	-	-	0.0%
FY23 Solar on Schools & Public Buildings	4,000,000	764,049	764,049	19.1%

D.

SUMMARY ANNUAL FUNDS			
FUND	Annual Budget	YTD Actual	% of Budget
100 General Total Revenue	(408,850,393)	(333,816,140)	81.6%
100 General Total Expense	408,850,393	275,414,211	67.4%
120 Air Quality Total Revenue	(1,090,272)	(836,043)	76.7%
120 Air Quality Total Expense	1,090,272	701,691	64.4%
220 Occupancy Tax Total Revenue	(46,000,000)	(24,564,007)	53.4%
220 Occupancy Tax Total Expense	46,000,000	24,564,007	53.4%
221 Reappraisal Reserve Fund Total Revenue	(531,913)	(435,000)	81.8%
221 Reappraisal Reserve Fund Total Expense	531,913	347,697	65.4%
223 911 Total Revenue	(1,288,426)	(460,329)	35.7%
223 911 Total Expense	1,288,426	277,646	21.5%
225 ROD Automation Total Revenue	(148,646)	(107,596)	72.4%
225 ROD Automation Total Expense	148,646	70,206	47.2%
226 Register of Deeds Total Revenue	(400,000)	(200,709)	50.2%
226 Register of Deeds Total Expense	400,000	179,712	44.9%
228 Special Taxing Districts Total Revenue	(64,064,144)	(50,307,138)	78.5%
228 Special Taxing Districts Total Expense	64,064,144	42,448,929	66.3%
229 Opioid Settlement Total Revenue	(1,988,101)	(2,729,155)	137.3%
229 Opioid Settlement Total Expense	1,988,101	85,288	4.3%
230 Transportation Total Revenue	(5,543,352)	(1,396,784)	25.2%
230 Transportation Total Expense	5,543,352	2,531,429	45.7%
231 Woodfin PDF Total Revenue	(745,106)	(33)	0.0%
231 Woodfin PDF Total Expense	745,106	183,558	24.6%
270 Forfeitures Total Revenue	(230,000)	(215,611)	93.7%
270 Forfeitures Total Expense	230,000	136,935	59.5%
272 Sondley Estate Trust Fund Total Revenue	-	(6,993)	0.0%
272 Sondley Estate Trust Fund Total Expense	-	-	0.0%
273 School Fines and Forfeitures Total Revenue	(2,000,000)	(758,029)	37.9%
273 School Fines and Forfeitures Total Expense	2,000,000	689,375	34.5%
276 Representative Payee Total Revenue	(600,000)	(342,912)	57.2%
276 Representative Payee Total Expense	600,000	275,803	46.0%
466 Solid Waste Total Revenue	(16,119,464)	(8,363,132)	51.9%
466 Solid Waste Total Expense	16,119,464	7,185,316	44.6%
467 Real-Time Intelligence Center Total Revenue	(130,000)	(123,099)	94.7%
467 Real-Time Intelligence Center Total Expense	130,000	77,495	59.6%
469 Inmate Commissary Total Revenue	(445,965)	(270,643)	60.7%
469 Inmate Commissary Total Expense	445,965	186,477	41.8%
480 Health and Dental Insurance Total Revenue	(35,362,542)	(27,844,924)	78.7%
480 Health and Dental Insurance Total Expense	35,362,542	24,490,739	69.3%
481 LGERS Stabilization Total Revenue	(260,000)	(6,762)	2.6%
481 LGERS Stabilization Total Expense	260,000	-	0.0%
482 Medicare Benefits Total Revenue	(979,801)	(730,439)	74.5%
482 Medicare Benefits Total Expense	979,801	650,317	66.4%
483 Workers' Compensation Total Revenue	(957,131)	(744,270)	77.8%
483 Workers' Compensation Total Expense	957,131	757,050	79.1%
484 Property and Liability Insurance Total Revenue	(3,516,219)	(2,457,035)	69.9%
484 Property and Liability Insurance Total Expense	3,516,219	2,513,383	71.5%

SUMMARY MULTI-YEAR FUNDS			
FUND	Annual Budget	YTD Actual	% of Budget
224 Special Programs Total Revenue	(59,831,528)	(31,758,674)	53.1%
224 Special Programs Total Expense	59,831,528	17,019,615	28.4%
326 Public School Capital Needs Fund Total Revenue	(307,714,285)	(275,330,243)	89.5%
326 Public School Capital Needs Fund Total Expense	307,714,285	233,696,674	75.9%
327 Grant Projects Total Revenue	(132,812,986)	(99,900,940)	75.2%
327 Grant Projects Total Expense	132,812,986	73,437,465	55.3%
333 AB Tech Total Revenue	(191,313,896)	(179,344,500)	93.7%
333 AB Tech Total Expense	191,313,896	160,247,045	83.8%
335 Public School ADM Sales Tax and Lottery Projects Total Revenue	(131,083,313)	(113,567,025)	86.6%
335 Public School ADM Sales Tax and Lottery Projects Total Expense	131,083,313	114,303,396	87.2%
341 Capital Project Total Revenue	(92,263,870)	(73,316,782)	79.5%
341 Capital Project Total Expense	92,263,870	46,359,516	50.2%
342 Landfill Capital Projects Total Revenue	(29,113,760)	(29,104,796)	100.0%
342 Landfill Capital Projects Total Expense	29,113,760	25,636,331	88.1%
343 Housing/Open Space Bond Projects Total Revenue	(1,874,426)	-	0.0%
343 Housing/Open Space Bond Projects Total Expense	1,874,426	9,044	0.5%

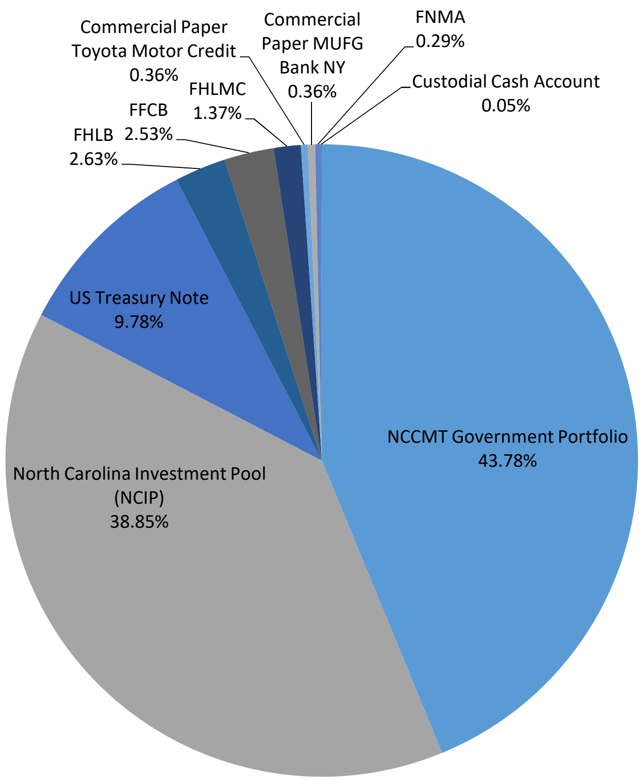
E.

INVESTMENT HOLDINGS 3/31/2022

INVESTMENT DESCRIPTION	Par Amount	Market Value	Maturity	Interest Rate
NCCMT Government Portfolio	120,892,128	120,892,128	N/A	4.730%
North Carolina Investment Pool (NCIP)	107,273,643	107,273,643	N/A	4.790%
FFCB	1,000,000	991,396	6/8/2023	0.350%
FHLMC	1,000,000	982,234	8/24/2023	0.250%
FHLMC	780,000	760,820	10/16/2023	0.125%
FHLMC	1,000,000	972,903	11/6/2023	0.250%
FHLB	1,000,000	974,267	11/9/2023	0.500%
FNMA	800,000	776,894	11/27/2023	0.250%
FHLMC	1,000,000	969,794	12/4/2023	0.250%
FFCB	1,000,000	971,744	12/20/2023	0.680%
FHLB	1,000,000	985,849	3/8/2024	3.250%
FFCB	1,000,000	978,125	5/16/2024	2.625%
FHLB	1,000,000	983,253	6/14/2024	3.125%
FHLB	1,000,000	981,713	7/8/2024	3.000%
FHLB	1,000,000	983,187	9/13/2024	3.250%
FFCB	1,000,000	1,001,957	11/18/2024	4.500%
FFCB	1,000,000	954,270	2/25/2025	1.750%
FFCB	1,000,000	959,373	4/1/2025	2.510%
FHLB	1,250,000	1,259,358	12/12/2025	4.500%
FFCB	1,000,000	1,018,733	3/9/2026	4.750%
FHLB	1,000,000	1,012,385	3/13/2026	4.500%
Commercial Paper MUFG Bank NY	1,000,000	997,323	4/28/2023	3.570%
Commercial Paper Toyota Motor Credit	1,000,000	997,360	4/28/2023	3.520%
US Treasury Note	1,000,000	992,706	5/31/2023	0.125%
US Treasury Note	1,000,000	991,181	6/15/2023	0.250%
US Treasury Note	1,000,000	986,836	7/15/2023	0.125%
US Treasury Note	1,000,000	984,883	7/31/2023	0.125%
US Treasury Note	1,000,000	982,891	8/15/2023	0.125%
US Treasury Note	1,000,000	979,688	9/15/2023	0.125%
US Treasury Note	1,000,000	978,516	9/30/2023	0.250%
US Treasury Note	1,000,000	975,664	10/15/2023	0.125%
US Treasury Note	1,000,000	968,633	12/15/2023	0.125%
US Treasury Note	1,000,000	964,688	1/15/2024	0.125%
US Treasury Note	1,000,000	961,016	2/15/2024	0.125%
US Treasury Note	1,000,000	959,414	3/15/2024	0.250%
US Treasury Note	1,000,000	957,148	4/15/2024	0.375%
US Treasury Note	1,000,000	977,969	4/30/2024	2.500%
US Treasury Note	1,000,000	953,594	5/15/2024	0.250%
US Treasury Note	1,000,000	950,938	6/15/2024	0.250%
US Treasury Note	1,000,000	947,109	8/15/2024	0.375%
US Treasury Note	1,000,000	957,969	10/31/2024	1.500%
US Treasury Note	1,000,000	959,375	12/31/2024	1.750%

INVESTMENT HOLDINGS 3/31/2022

INVESTMENT DESCRIPTION	Par Amount	Market Value	Maturity	Interest Rate
US Treasury Note	1,000,000	947,695	1/15/2025	1.125%
US Treasury Note	1,000,000	932,695	3/31/2025	0.500%
US Treasury Note	1,000,000	973,750	5/15/2025	2.750%
US Treasury Note	1,000,000	976,406	6/15/2025	2.875%
US Treasury Note	1,000,000	978,555	7/15/2025	3.000%
US Treasury Note	1,000,000	990,430	9/15/2025	3.500%
US Treasury Note	1,000,000	1,007,734	10/15/2025	4.250%
US Treasury Note	1,000,000	1,000,313	1/15/2026	3.875%
Custodial Cash Account	140,210	140,210	N/A	-
Total Investments	**276,135,981**	**275,056,714**		



F.

DONATIONS MADE TO BUNCOMBE COUNTY - FY23 - FOR THE QUARTER ENDING MAR 31	Designated	Undesignated	Total
2023	**$ 83,930**	**$ 2,920**	**$ 86,850**
Monetary	**$ 43,930**	**$ 2,920**	**$ 46,850**
Agriculture and Land Resources	2,720		2,720
Farm Heritage Trail	1,500		1,500
Land Conservation Advisory Board	1,220		1,220
Division of Social Services	2,000		2,000
Foster Care Holiday Gifts	2,000		2,000
Family Justice Center	3,225		3,225
Family Justice Center	3,225		3,225
General Revenues		505	505
Undesignated		505	505
Library		450	450
Undesignated		450	450
Public Health	40		40
Health Clinic	40		40
Recreation Services	10		10
Sailboat Club	10		10
Sheriff	35,032	1,965	36,997
Undesignated		1,965	1,965
Toy Drive	6,332		6,332
Adopt a K-9 Cop	6,750		6,750
K-9	13,450		13,450
Calendar Sponsorship	2,500		2,500
Training	6,000		6,000
Transportation	903		903
Mountain Mobility	903		903
Property	**$ 40,000**		**$ 40,000**
Emergency Services	40,000		40,000
Ambulance Bus	30,000		30,000
Arson Van	10,000		10,000
Grand Total	**$ 83,930**	**$ 2,920**	**$ 86,850**

Buncombe County

FY2023 3rd Quarter Financial Report

(unaudited)

Presented by
Mason Scott

FY2023 Items for Review

- ✓ General Fund Budget to Actual Summary
  - ➢ Expenses and Revenues
- ✓ Solid Waste Fund- Enterprise Fund
  - ➢ Expenses and Revenues
- ✓ Investments

Based on March 2023 unaudited budget and actuals and investment statements

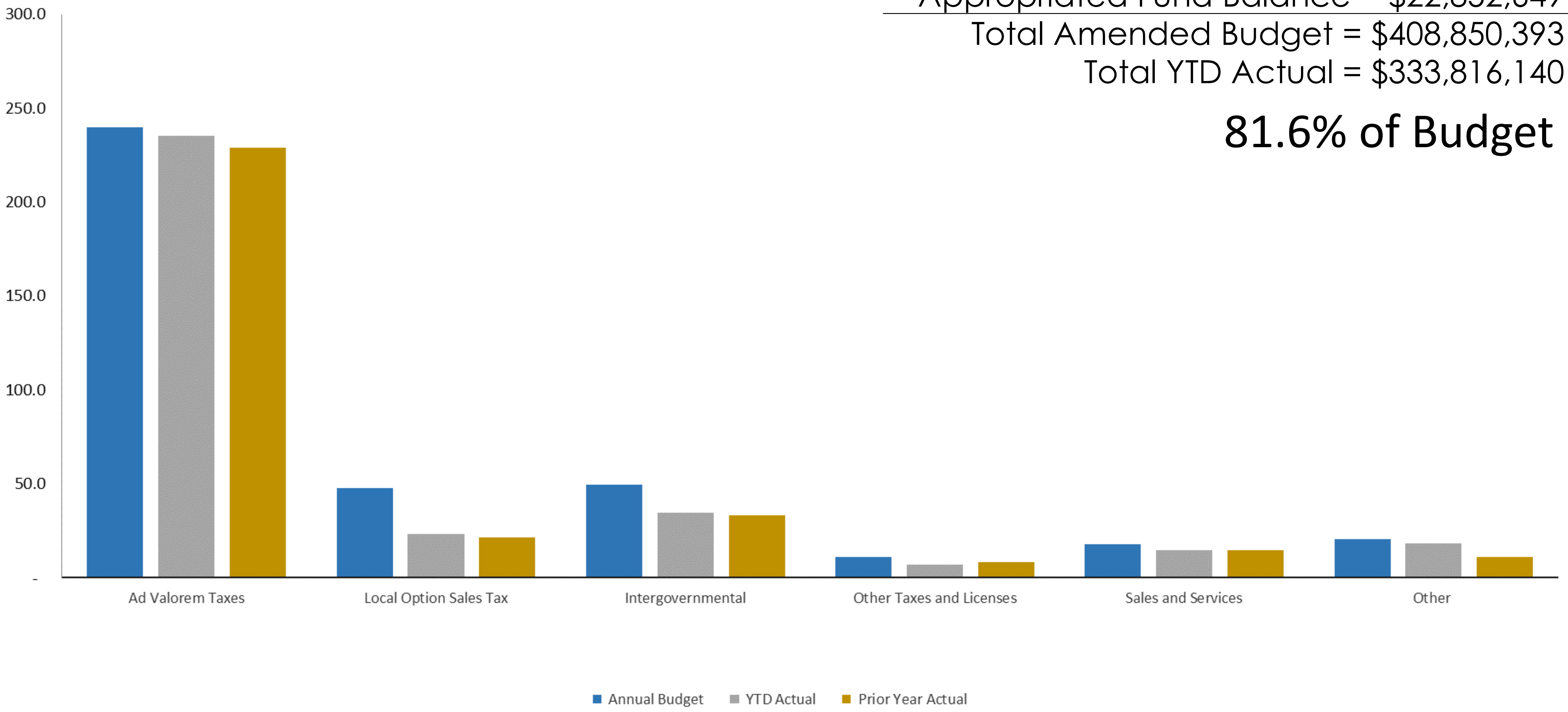
FY2023 General Fund Budget to Actual

Revenue by Type

(in millions)

Amended Revenues = $385,997,744
Appropriated Fund Balance = $22,852,649
Total Amended Budget = $408,850,393
Total YTD Actual = $333,816,140

81.6% of Budget



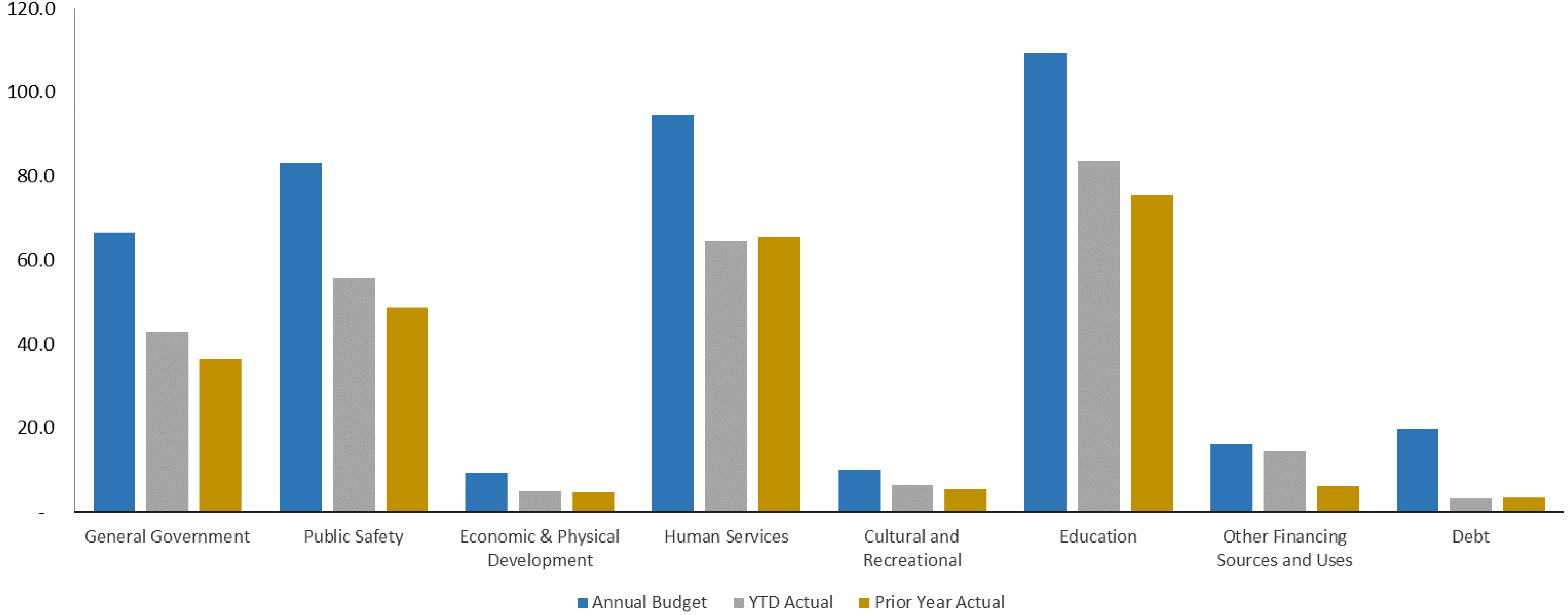
FY2023 General Fund Budget to Actual

Expenditure by Function

(in millions)

Total Amended Budget = $408,850,393
Total Actual = $275,414,211

67.36% expended



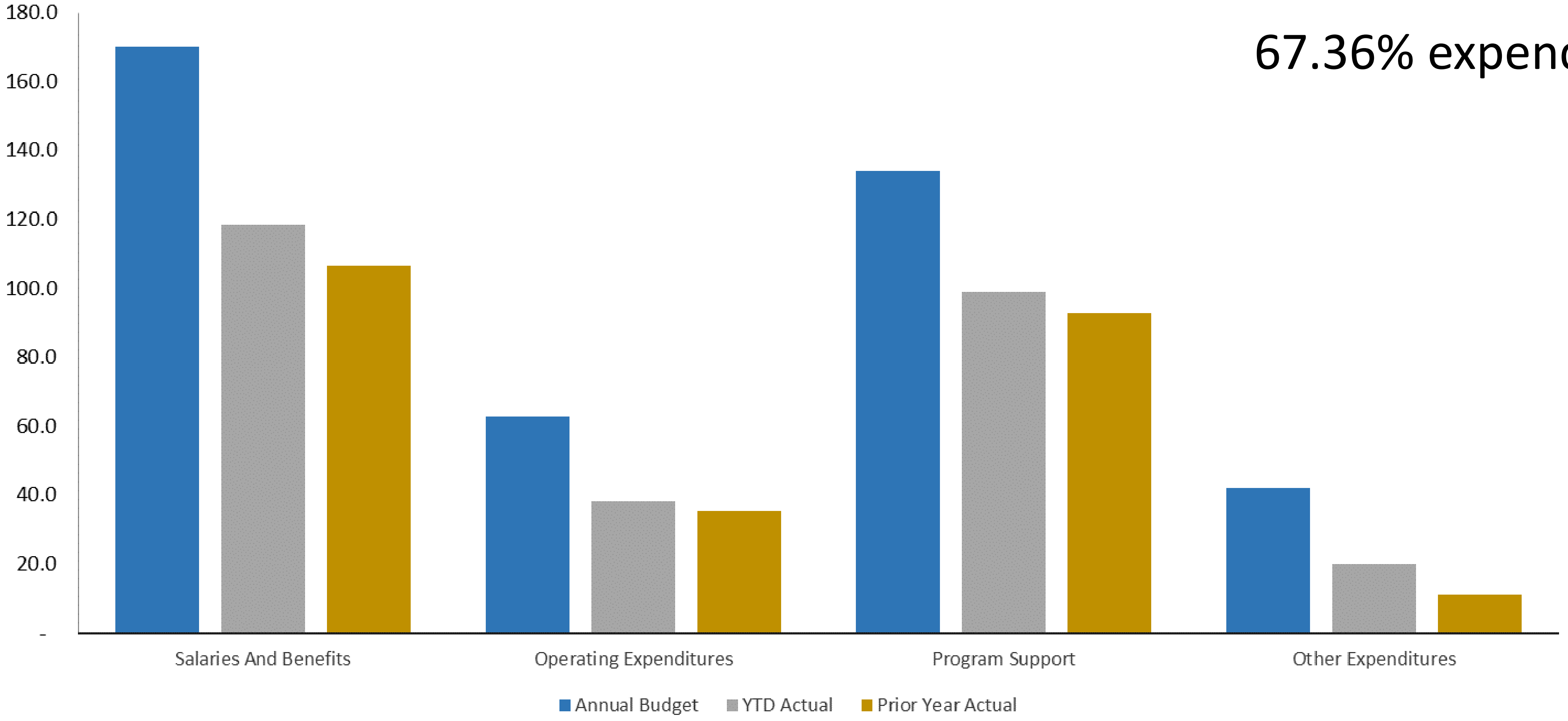
FY2023 General Fund Budget to Actual

Expenditure by Category

(in millions)

Total Amended Budget = $408,850,393
Total Actual = $275,414,211

67.36% expended



FY2023 Solid Waste Fund Budget to Actual

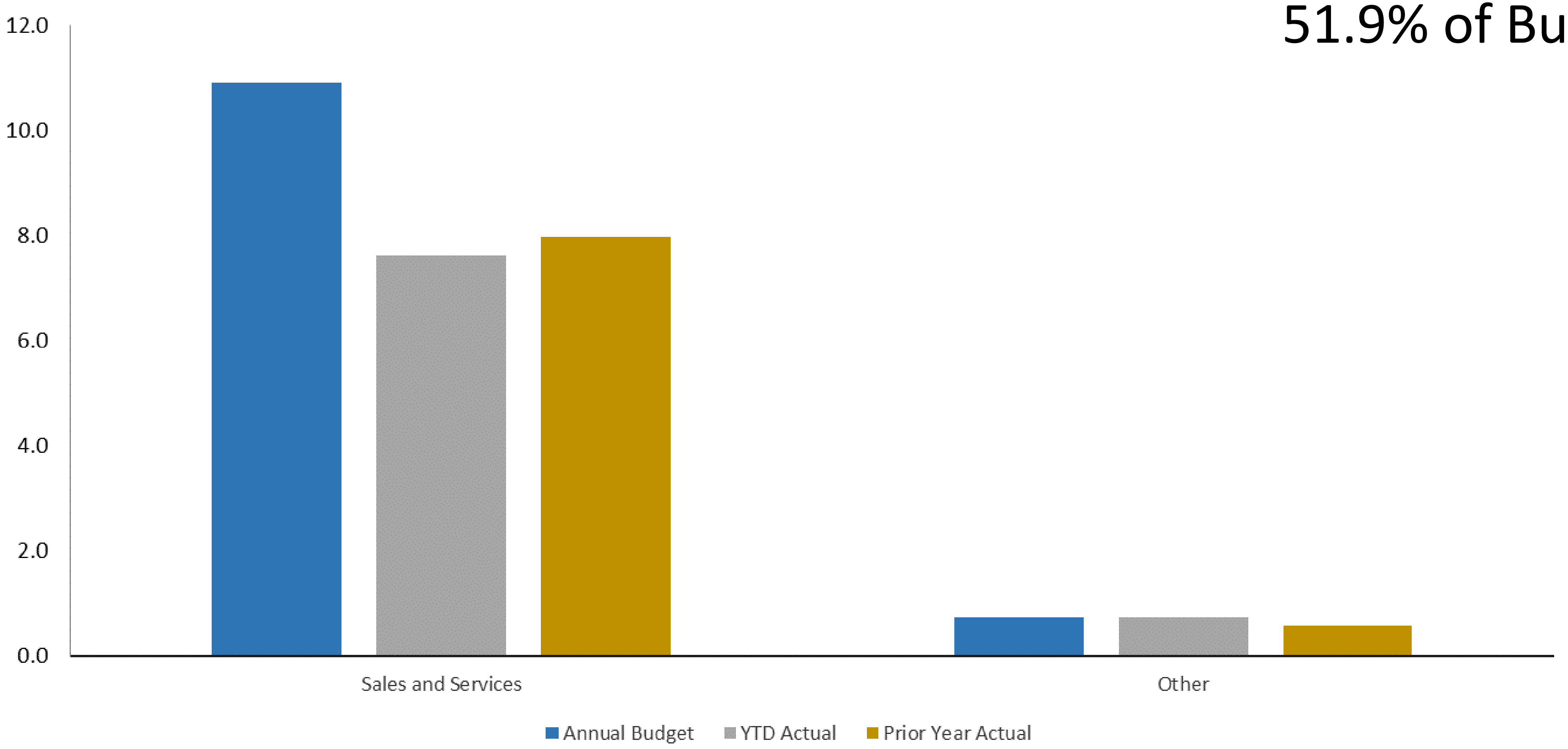
Revenue by Type

(in millions)

Amended Revenues = $11,654,607
Appropriated Fund Balance = $4,464,857

Total Amended Budget = $16,119,464
Total Actual = $ 8,363,132

51.9% of Budget



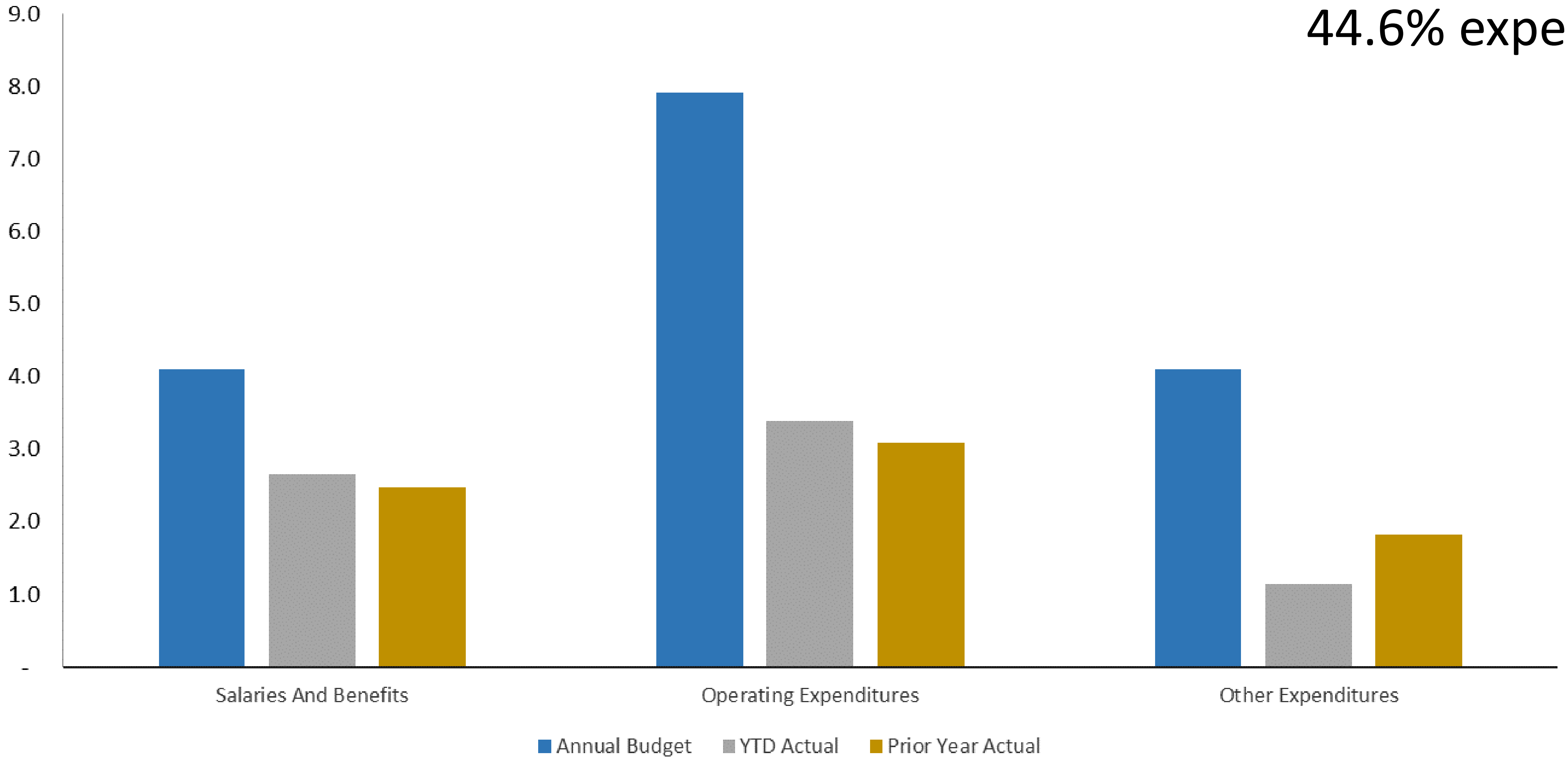
FY2023 Solid Waste Fund Budget to Actual

Expenditure by Category

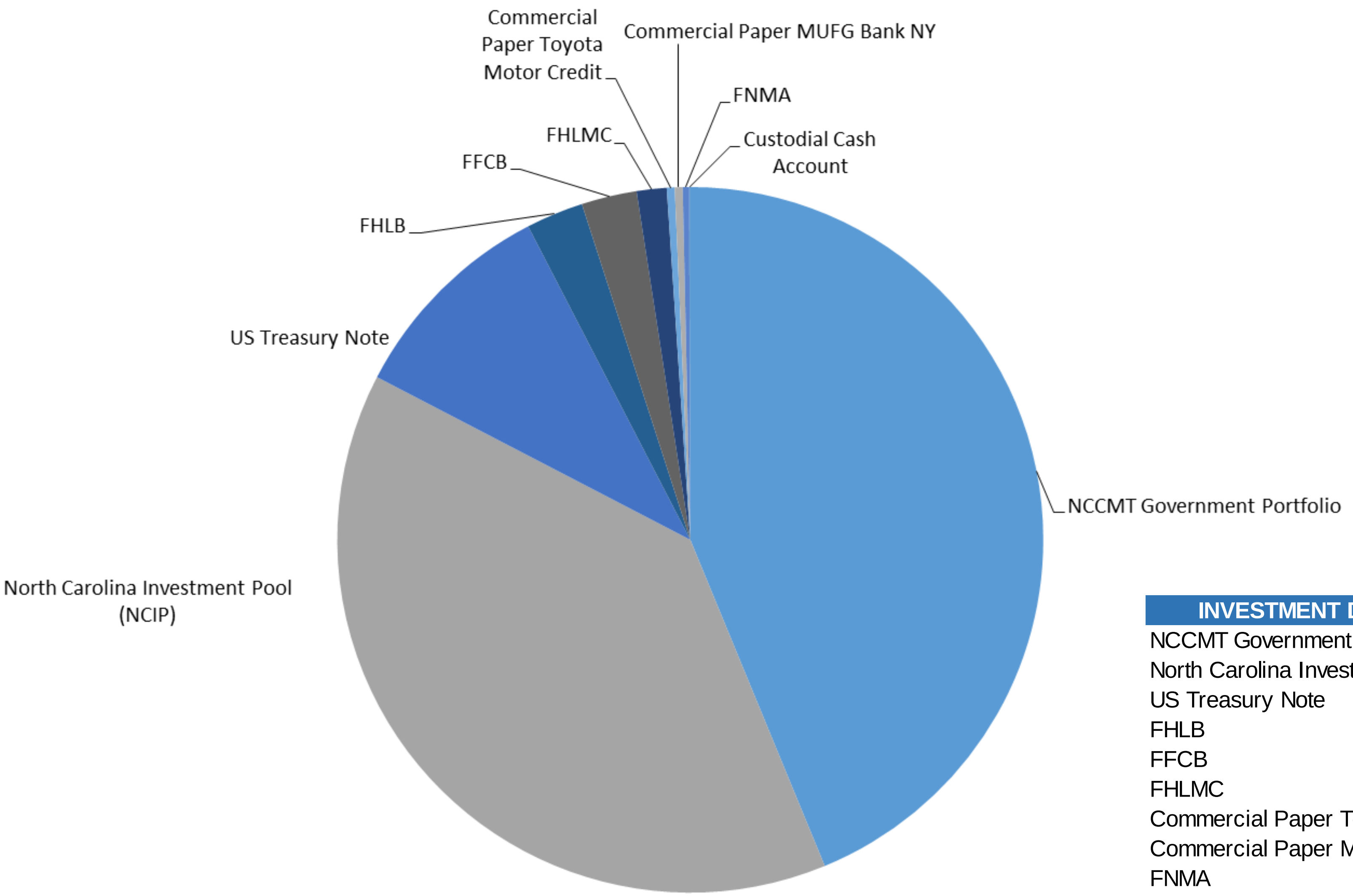
(in millions)

Total Amended Budget = $ 16,119,464
Total Actual = $ 7,185,316

44.6% expended



Investment Portfolio Summary



INVESTMENT DESCRIPTION		PAR AMOUNT	%
NCCMT Government Portfolio	$	120,892,128	43.78%
North Carolina Investment Pool (NCIP)		107,273,643	38.85%
US Treasury Note		27,000,000	9.78%
FHLB		7,250,000	2.63%
FFCB		7,000,000	2.53%
FHLMC		3,780,000	1.37%
Commercial Paper Toyota Motor Credit		1,000,000	0.36%
Commercial Paper MUFG Bank NY		1,000,000	0.36%
FNMA		800,000	0.29%
Custodial Cash Account		140,210	0.05%
TOTAL		**276,135,981**	**100%**

Questions?

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Public Hearings

Department: Planning / Legal & Risk

Presenter(s): Nate Pennington **Contact(s):** Nate Pennington/Michael Frue

Subject: Consideration of an Ordinance Imposing a Temporary Moratorium on Cryptocurrency Mining

Brief Summary: Pursuant to N.C. Gen. Stat. § 160D-107, local governments may adopt an ordinance authorizing a temporary moratorium on any development approval required by law. Our current ordinances do not define cryptocurrency mining as a specific use. Cryptocurrency mining has the potential to negatively impact surrounding neighborhoods due to excessive energy use, e-waste, pollution and noise. A temporary pause in any such use will protect the public interest and welfare of the residents of the County until such regulations regarding cryptocurrency mining are adopted. It will take time and coordinated efforts to develop standards and mitigation methods to regulate this intensive land use. If approved by the Board, staff recommends a one (1) year moratorium from May 2, 2023 through May 1, 2024.

Recommended Motion & Requested Action: Consider an Ordinance Imposing a Temporary Moratorium on Cryptocurrency Mining.

ORDINANCE NO. __________

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON CRYPTOCURRENCY MINING FACILITIES IN BUNCOMBE COUNTY, NORTH CAROLINA PURSUANT TO N.C.G.S. §160D-107

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-107, local governments may adopt an ordinance authorizing a temporary moratorium on any development approval required by law;

WHEREAS, the Buncombe County Zoning Ordinance does not define cryptocurrency mining as a specific use;

WHEREAS, cryptocurrency mining has the potential to negatively impact surrounding neighborhoods due to excessive energy use, e-waste, pollution and noise;

WHEREAS, the County Commissioners believe that such a moratorium will protect the public interest and welfare of the residents of the County until such regulations regarding cryptocurrency mining are adopted; and

WHEREAS, a legislative hearing regarding this moratorium was held in accordance with N.C. Gen. Stat. § 160D-601 on May 2, 2023.

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

Section 1. A temporary moratorium is hereby imposed commencing on May 2, 2023 and expiring no later than May 1, 2024, or on the approval of a new zoning regulation regarding cryptocurrency mining within the unincorporated areas of Buncombe County whichever occurs first. This moratorium specifically includes all land uses that involve cryptocurrency mining in the unincorporated areas of Buncombe County.

Section 2. In compliance with the requirements of N.C. Gen. Stat. § 160D-107, the County makes the following statements:

(1) Cryptocurrency mining requires considerable amounts of electricity usage, which can result in greenhouse gas emissions, as well as additional pollution, e-waste, noise, and other local impacts to communities living near the mining facilities. The County is in the process of developing a new Comprehensive Plan which seeks to develop standards and mitigation methods for intensive land uses that may pose detrimental harm to the natural environment, and the County seeks time to develop standards in conjunction with the Buncombe County Planning Board and the Buncombe County Board of

Commissioners. The County looked at alternative solutions to a moratorium but found none. The County has determined that to simply allow this intensive land use to be permitted without regard to location, height, size, density, population and type of trade, industry, residence or other purposes would hinder the current and future Comprehensive Plan and Zoning Ordinance.

(2) Buncombe County seeks to specifically define "cryptocurrency mining" as a specific land use, separate and apart from other data centers, and therefore seeks to take action to place a moratorium on the use of property within the unincorporated jurisdiction of Buncombe County for cryptocurrency mining for a time period of one (1) year or until such a time that specific land use standards can be developed. No zoning certification permits pursuant to Code Sec. 78-598 shall be issued for cryptocurrency mining uses in any zoning district during the moratorium. The moratorium will maintain the status quo by limiting any negative effects in neighborhoods impacted by this use until a proper regulatory scheme can be developed.

For the duration of the moratorium cryptocurreny mining is defined as the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms employing data processing equipment. A server farm, as used herein, shall be three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

(3) The moratorium shall begin on May 2, 2023 and the moratorium shall terminate on May 1, 2024 or upon a text amendment addressing the land use of commercial scale cryptocurrency mining whichever occurs first. This one (1) year moratorium will allow the County to complete its Comprehensive Plan and study what type of zoning districts are appropriate for this type of land use. County staff is directed to study and prepare an amendment to the zoning ordinance regarding cryptocurrency mining prior to the expiration of the moratorium.

(4) Upon the adoption of the Comprehensive Plan, Buncombe County Planning Staff will be actively advancing a series of text amendments to the Buncombe County Zoning Ordinance that will seek to mitigate any negative impacts associated with the land use described as cryptocurrency mining prior to the expiration of the moratorium.

Section 3. If any section, subsection, sentence, 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. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 2nd day of May 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

____
Lamar Joyner, Clerk

By: ________________________________
Brownie Newman, Chairman

APPROVED AS TO FORM

____
County Attorney

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/2/2023

Old Business

Department: County Manager

Presenter(s): Jill Carter; Ariel Zijp

Contact(s): Jill Carter, Ariel Zijp

Subject: Open Space Bond Conservation Criteria Adoption

Brief Summary: The Open Space Bond allocates $30 million to Conservation, Greenways, and Passive Recreation Lands projects. To determine how best to allocate funding towards conservation, staff – with input from the Agriculture Advisory Board, Land Conservation Advisory Board, and the public – have developed a set of criteria for evaluating land conservation projects. The criteria has been revised per feedback received from the commissioners, advisory boards, and Energy & Environmental Subcommittee. We ask that the Commissioners adopt this final criteria, enabling the team to begin evaluating conservation projects and recommending them for funding.

Recommended Motion & Requested Action: Adopt Open Space Bond Conservation funding evaluation criteria.

OPEN SPACE BOND: CONSERVATION EASEMENT CRITERIA AND PROCESS

Presented by

Jill Carter

Open Space Bond Project Manager

County Management

Ariel Zijp

Farmland Preservation Manager

Ag and Land Resources Department

Open Space Bond Overview

Internal Review Process

- Affordable Housing and Open Space evaluation
- Growth, Equity and Conservation map evaluation

1. Selection Criteria Development & Approval
2. RFP Development & Launch
3. Application Support
4. Internal Review Process
5. Project Selection & Announcement
6. Ongoing: Project Support & Oversight
7. Ongoing: Community Outreach

The Project Review Process

Complete

- ✓ All Advisory Boards Convened
- ✓ Oversight Committee Orientations

All evaluation criteria expected to be complete by end of Summer 2023

1. Evaluate leveraged funding from other sources

2. Evaluate charitable landowner donations

3. Remove development pressure from the ranking system to avoid competing with affordable housing

A. Land Evaluation (40%)

1. **Farmland Soils Assessment (20 pts)**
   - Prime Soils
   - Unique Soils
   - Local and Statewide Important Soils
2. **Forestland Soils Assessment (20 pts)**
   - High Index Soils
   - Medium Index Soils
   - Low Index Soils

B. Site Assessment (60%)

1. **Clustering Potential (35 pts)**
   - Tract Size
   - Contiguous Land Preservation
   - Proximity to ag preservation district
2. **Farmland Potential (20 pts)**
   - Priority ranking score
   - % of tract in ag
   - Land stewardship
   - Historic/scenic/env qualities
   - Century family farm
3. **Funding and Donation Leveraged (5 pts)**
   - Landowner Donation
   - Funding Leveraged

Ranking points total is a weighted sum

Must meet at least 2 of the following conditions:

- Is this in one of our designated farmland priority regions?
- Is this property in proximity to other protected lands?
- Does this property have prime, unique, local, or statewide important agricultural soils?
- Is this a project with a significant environmental, or scenic importance ?
- Is this an active working farm or century farm?
- Is the size of the property significant?
- Is this a time sensitive project? (Elderly landowner, Financial hardship, Forced sale)

If at least 2 conditions are met then:

- **The Bond can fund up to 50% of the easement value after other funding sources have been explored.**
- **Landowners are required to donate 25% - 50% of their easement value in a Bond-funded project.**

Must meet at least 2 of the following conditions:

- Is this in an LCAB priority region?
- Is this a project with significant environmental and/or scenic importance
- Are there significant recreational opportunities, water quality or open space benefits of the project?
- Is this a time sensitive project? (Elderly landowner, Financial hardship, Forced sale).

If at least 2 conditions are met then:

- **The Bond can fund up to 50% of the easement value after other funding sources have been explored.**
- **Landowners are required to donate 25% - 50% of their easement value in a Bond funded project.**

Advisory Board Recommendations

04/18/2023 - Agricultural Advisory Board

- Voted to recommend the proposed Conservation Easement criteria for the bond funds.

04/21/2023 - Environmental & Energy Stewardship Subcommittee

- Voted to recommend the proposed Conservation Easement criteria for the bond funds.

Next Step

Request adoption of conservation easement criteria

A. Land Trust Partner Evaluation – (meets criteria or does not)

- Applicants Organization track record
- Long-term protection of county's investment
- Evidence of collaboration among conservation organizations
- Previous project completion
- Value of project
- Integrity of easement

B. Conservation Value of the Project – 100 points

- Scenic viewshed protection - 10 pts
- Natural Areas Protection/biological values – 10 pts
- Water Quality Protection/Restoration – 10 pts
- Farmland Preservation – 10 pts
- Working Forest Protection – 10 pts
- Public Benefit – 10 pts
- Historic/Cultural Resource Protection – 10 pts
- Leveraged Funding – 15 pts
- Value added to the project – 15 pts

Buncombe County, NC Conservation Focus Areas