

Board of Commissioners' Agenda

April 18, 2023

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

Public Comment is taken at the beginning of the meeting.

The meeting will broadcast via Facebook Live @Buncombegov.

Call To Order [▲top](#)

Discussion / Adjustment / Approval To Follow Agenda

[▲top](#)

Consent Agenda [▲top](#)

- [Approval of April 4, 2023 Briefing Meeting Minutes](#)
- [Approval of April 4, 2023 Regular Meeting Minutes](#)
- [Resolution Approving Pyrotechnic Experts for Firework Display](#)
 - [Resolution](#)
- [Approval of Interlocal Agreement – Blue Horizons RFP](#)
 - [Agreement](#)
- [Budget Amendment to Increase Budget for Parking Services](#)
 - [Ordinance](#)

Public Comment

[▲top](#)

Good News

[▲top](#)

Presentations [▲top](#)

- [Second Chance Month Proclamation](#)
 - [Proclamation](#)

Public Hearings

[▲top](#)

County Manager's Report [▲top](#)

- [Asheville Community Reparations Commission Update](#)

Old Business

[▲top](#)

New Business [▲top](#)

- [Resolution Regarding Deaverview Mountain Property](#)
 - [Resolution](#)
 - [More Information](#)
- [Resolution for Release of Enka Intermediate School Property](#)
 - [Resolution](#)
 - [Deed](#)
 - [More Information](#)
- [Budget Amendment for Closure of Transfer Facility Project](#)
 - [Ordinance](#)

Board Appointments [▲top](#)

- Mountain Community Capital Fund Operating Committee
 - Hunter Goosman
 - County Board of Adjustment
 - Andy Ball
-

Announcements [▲top](#)

- April 19 @ 9 a.m. - Commissioners' Comprehensive Plan Joint Work Session (Planning Board) at East Asheville Library, 3 Avon Road, Asheville, NC 28805.
- April 25 @ 8:30 a.m. - Commissioners' Budget Work Session at 200 College Street, Room 326 in downtown Asheville.
- May 2 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- May 2 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.

Closed Session / Open Session

[▲top](#)

Adjournment

[▲top](#)

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 18, 2023 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 18, 2023, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

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

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

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; John Hudson, Budget Director; Sharon Burke, Human Resources Director; Tiffany Iheanacho, Justice Services Director; Allison Dains, Parks & Recreation Director; Tim Love, Intergovernmental Relations; Jeremiah LeRoy, Sustainability; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Vice Chair Wells motioned to approve the Consent Agenda and the remainder of the agenda. Commissioner Sloan seconded and the motion passed 7-0.

- Approval of April 4, 2023 Briefing Meeting Minutes
- Approval of April 4, 2023 Regular Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Display
 - Resolution
- Approval of Interlocal Agreement – Blue Horizons RFP
 - Agreement
- Budget Amendment to Increase Budget for Parking Services
 - Ordinance

PUBLIC COMMENT

Dede Styles stated concerns with water issues due to construction development and climate change.

Heather Caver, Nancy Edgerton, Nancy Morrison, Ben Wall, Hanni Muerdter, Karen MacNeil, Jamie Ervin, Kim Plemmons, Josh Kelly, Gill Kerr, Bradley Spiegel, Michelle Puelacy, and Travis Poorly expressed their support for the Deaverview Mountain park project.

PRESENTATIONS

- **Second Chance Month Proclamation**

Commissioner Edwards read and presented the proclamation to Tiffany Iheanacho, Justice Services Director. The proclamation was accepted and gratitude was expressed to the Justice Services staff. Brent Baily, Justice Services, was given a second chance and thanked the County for their support.

COUNTY MANAGER'S REPORT

- **Asheville Community Reparations Commission Update**

DK Wesley, Assistant County Manager, provided a quarterly update on the progress of the Reparations Commission that is a partnership with the City of Asheville and Buncombe County. Stop the Harm Audit, project progress, and timeline were discussed.

NEW BUSINESS

- **Resolution Regarding Deaverview Mountain Property**

Allison Dains, Parks & Recreation Director, discussed exploring the use of Deaverview Mountain as a potential county park or preserve for passive recreation and educational opportunities. The property is privately owned by conservation-minded individual with the partnership with SAHC (Southern Appalachian Highlands Conservancy). SAHC is seeking state and federal funding to conserve this property.

Vice Chair Wells moved to approve the resolution as presented. Commissioner Sloan seconded and the motion passed 7-0.

- **Resolution for Release of Enka Intermediate School Property**

Michael Frue, Senior Staff Attorney, explained that the County owns the Enka Intermediate property and Enka Candler Fire & Rescue has requested that its portion of the property be released from the security.

Vice Chair Wells moved to approve the resolution as presented. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

- **Budget Amendment for Closure of Transfer Facility Project**

John Hudson, Budget Director, explained the budget amendment.

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

BOARD APPOINTMENTS

Chairman Newman moved to reappoint **Hunter Goosman** to the **Mountain Community Capital Fund Operating Committee**. Commissioner Edwards seconded and the motion passed 7-0.

Vice Chair Wells moved to reappoint **Andy Ball** to the **County Board of Adjustment**. Commissioner Whitesides seconded and the motion passed 6-1. (NOES-Newman)

ANNOUNCEMENTS

The Chairman made the following announcements:

- *April 19 @ 9 a.m. - Commissioners' Comprehensive Plan Joint Work Session (Planning Board) at East Asheville Library, 3 Avon Road, Asheville, NC 28805.*
- *April 25 @ 8:30 a.m. - Commissioners' Budget Work Session at 200 College Street, Room 326 in downtown Asheville.*
- *May 2 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
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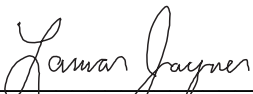
CLOSED SESSION

Commissioner Sloan moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for Hyatt and Barrett v. Buncombe County Sheriff, et al, United States District Court for the Western District of NC file # 19-CV-250, Pickens v. Buncombe County Sheriff, et al, United States District Court for the Western District of NC file # 21-CV-30, and NCGS 143-318.11(a) (4) to hear economic development matters with no possible action anticipated following the closed session. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

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

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

Commissioner Beach-Ferrara moved to adjourn the meeting. Commissioner Whitesides seconded and the motion passed 7-0. The meeting was adjourned at 6:37 p.m.



LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS



BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 4/18/2023

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 Jeco Pyrotechnics, Inc. and Charles Ballard to conduct a fireworks display on 7/1/23 at Big Ivy Community Center, 540 Dillingham Road, Barnardsville, NC 28709.
- Request from Joey's Fireworks and John Adair to conduct a fireworks display on 7/1/23 at The Cliff's at Walnut Cove, 158 Walnut Valley Pkwy Arden, NC 28704.

Recommended Motion & Requested Action: Approve resolution.

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

RESOLUTION #: 23-04-09

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 Jeco Pyrotechnics, Inc. and Joey's Fireworks 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:

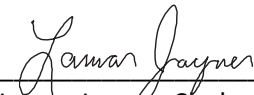
<u>NAME</u>	<u>LOCATION</u>	<u>DATE</u>
Jeco Pyrotechnics	540 Dillingham Road, Barnardsville	July 1, 2023
Joey's Fireworks	158 Walnut Valley Pkwy, Arden	July 1, 2023

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.

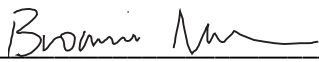
2. That pursuant to NCGS §§ 14-410 and 14-413 this Board finds that the above-named individual/company is a qualified pyrotechnic expert for the purpose of conducting fireworks displays.

ADOPTED this the 18th day of April, 2023.

ATTEST


Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 
Brownie Newman, Chairman

APPROVED AS TO FORM


County Attorney



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 4/18/2023

Consent Agenda

Department: Sustainability

Presenter(s): Jeremiah LeRoy

Contact(s): Jeremiah LeRoy

Subject: Approval of Interlocal Agreement – Blue Horizons RFP

Brief Summary: As a part of the County's efforts to achieve its strategic goal of reducing greenhouse gas emissions in our community, the County and City of Asheville have a joint arrangement to fund the Blue Horizons Project (BHP). The BHP consists of both a community council and programming efforts to reduce community energy consumption, such as low-income weatherization and community education.

As a best practice, these services are re-bid every three years. This inter-local agreement authorizes the City and County to jointly issue an RFP for these services. The RFP will be issued immediately upon approval with the goal of completing a contract for services to start on July 1, 2023.

Recommended Motion & Requested Action: Approve Interlocal Agreement

County Manager's comments and Recommendation: Recommends as presented

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

**INTER-LOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE
AND THE COUNTY OF BUNCOMBE, NC**

This Agreement is entered into on April 18, 2023 by and between the COUNTY OF BUNCOMBE, a body politic and corporate, organized and existing under the laws of the State of North Carolina (hereinafter referred to as "County") and CITY OF ASHEVILLE, a municipal corporation of the State of North Carolina (hereinafter "City"). This agreement will be valid until December 31, 2042.

WHEREAS, In early 2016 the City, County and Duke Energy Progress agreed to establish the Energy Innovation Task Force to meet the goal of co-creating a clean energy future for the region;

WHEREAS, per City Council Resolution No. 20-18, signed on January 28, 2020, the City, County and Duke Energy Progress will officially dissolve the Energy Innovation Task Force and will replace it with the Blue Horizons Project Community Council; and

WHEREAS, the Blue Horizons Project Community Council will advise the work of the Blue Horizons Project as outlined in the Blue Horizons Project Charter; and

WHEREAS, per City Council Resolution No. 23-23, signed on February 14, 2023, City Council authorized the City Manager to enter into this Interlocal Agreement with the County regarding the process to be followed in the selection of vendors for the management and implementation of the Blue Horizons Project; and

WHEREAS, City and County mutually wish to partner on this initiative and find that, under the terms of this Agreement, it is in the best interests of both parties and that the undertaking will benefit the public; and

WHEREAS, both the City and County will administer funds to contract for the implementation of the Blue Horizons Project. as defined in the Blue Horizons Project Charter

NOW THEREFORE, in consideration of the mutual promises made in this Agreement and the mutual reliance placed by each party on the responsibilities of each party, and such other considerations as the parties agree is good and sufficient, it is agreed as follows:

1. CITY RESPONSIBILITIES:

- a. Assist in drafting and reviewing the RFP for Blue Horizons program management .
- b. Participate in the selection committee for these services including RFP review, scoring and interviews.
- c. Facilitate and manage a contract with the selected vendor for the Blue Horizons Project as defined in the Blue Horizons Project Charter.

2. COUNTY RESPONSIBILITIES

- a. Post RFP in accordance with local governmental procedures
- b. Include the City in the selection committee for the RFP review, scoring and interviews.
- c. Manage communications with RFP respondents and schedule a review process with the selection committee.
- d. Facilitate and manage a contract with the selected vendor for the Blue Horizons Project as defined in the Blue Horizons Project Charter.

3. ACCOUNTABILITY AND FINANCIAL REPORTING

- a. Each party shall make available such records and accounts including property, personnel and financial records as are deemed necessary to assure a proper accounting and financial reporting.

4. INDEMNIFICATION AND INSURANCE

Indemnification: The City agrees to indemnify and hold harmless the County and any of their officers, agents and employees from any claims of third parties arising out of any act or omission of the City in connection with the performance of this contract.

The County agrees to indemnify and hold harmless the City and any of their officers, agents and employees from any claims of third parties arising out of any act or omission of the County in connection with the performance of this contract.

Insurance: The City is self-insured for general liability and maintains excess general liability coverage up to \$15,000,000 per occurrence: Including coverage for bodily injury and property damage. In addition, the City is self-insured for workers' compensation and maintains excess workers' compensation coverage per statutory requirement and carries \$1,000,000 of employer's liability insurance. The City shall provide a copy of its self-insurance certificate and evidence of excess general liability and workers' compensation coverage at the time of execution of this Agreement.

The County is self-insured for general liability and maintains excess general liability coverage up to \$7,000,000 per occurrence: Including coverage for bodily injury and property damage. In addition, the County is self-insured for workers' compensation and maintains excess workers' compensation coverage per statutory requirement and carries \$1,000,000 of employer's liability insurance. The County shall provide a copy of its self-insurance certificate and evidence of excess general liability and workers' compensation coverage at the time of execution of this Agreement.

- (a) Providing and maintaining the types and amounts of insurance or self-insurance specified in this paragraph is a material obligation of the City and County.
- (b) The City and County shall comply at all times with all lawful terms and conditions of each of its insurance policies and all lawful requirements of its insurer.
- (c) The City and County shall each demonstrate compliance with the requirements of this paragraph by submitting Certificates of Self-Insurance to each other.

5. LAWS

The City and the County agree to comply with all federal, state and local laws in the course of its business and as a condition of this Agreement. The City and County agree to provide the other any information necessary should they require additional documentation.

6. GOVERNING LAW

This Agreement shall be governed by the laws of the State of North Carolina and should any claim or dispute arise between the Parties that cannot be resolved amicably, then any action to enforce or interpret its terms shall be brought in the General Court of Justice of Buncombe County, North Carolina which shall have venue and jurisdiction over the subject matter and the Parties. All rights and remedies of County under this Agreement shall be cumulative and none shall exclude any other rights or remedies allowed by law or by equity. The Parties hereby agree that this paragraph establishes exclusive and sole venue and jurisdiction for any legal proceeding in Buncombe County, North Carolina.

7. ENTIRE AGREEMENT

This Agreement constitutes the entire written Agreement of the parties with respect to the matters set forth herein. The Agreement may be revised, extended or amended by written agreement by both parties.

8. SEVERABILITY

Should any provision or provisions contained in this Agreement be declared by a court of competent jurisdiction to be void, unenforceable or illegal, such provision or provisions shall be severable and the remaining provisions hereof shall remain in effect.

9. E-VERIFY

E-Verify Employer Compliance: Employers and their subcontractors with 25 or more employees as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with governmental units. E-Verify is a Federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. E-verify can be accessed via this link: <http://www.uscis.gov/e-verify/employers>

10. NON-DISCRIMINATION

In accordance with State and Federal laws, each party shall not discriminate against any person on the basis of sex, national origin, race, ethnic background, color, religion, age or disability in its program activities related to this Agreement.

11. REPRESENTATIVES

The County's designated representative and mailing address of the representative is as follows:

Buncombe County Office of Sustainability
Attention: Jeremiah P. LeRoy
200 College Street, Suite 400
Asheville, NC 28801
jeremiah.leroy@buncombecounty.org
828-250-4976

The City's designated representative and mailing address of the representative is as follows:

Debra Campbell, City Manager
PO Box 7148
Asheville, NC 28802
cball@ashevillenc.gov
828-259-5604

Daily Contact for the City
Bridget Herring
Sustainability Director
PO Box 7148
Asheville, NC 28802
bherring@ashevillenc.gov
828-259-5558

ATTEST:

CITY OF ASHEVILLE

By: _____
(Debra Campbell, City Manager)

Magdalen Burleson, City Clerk
(Official Seal)

(Title)

(Date)

State of North Carolina
County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and voluntarily acknowledged that she is the City Clerk of the City of Asheville, a North Carolina municipal corporation, and that by authority given and as an act of the corporation, that the foregoing instrument was signed in its name by the City Manager and attested by herself its City Clerk.

Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

Print or Type Name

ATTEST:

BUNCOMBE COUNTY

By: _____
(Avril Pinder, County Manager)

_____, County Clerk
(Official Seal)

(Title)

(Date)

State of North Carolina
County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that Lamar Joyner personally appeared before me this day and voluntarily acknowledged that he is the County Clerk of Buncombe County, a North Carolina municipal corporation, and that by authority given and as an act of the corporation, that the foregoing instrument was signed in its name by the County Manager and attested by himself its County Clerk.

Witness my hand and Notarial stamp or seal this ____ day of _____, 20____.

My Commission Expires: _____

Notary Public

Print or Type Name



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: April 18, 2023

Consent Agenda

Department: Parking Services

Presenter(s): John Hudson, Budget Director

Contact(s): Michael Mace, General Services Director

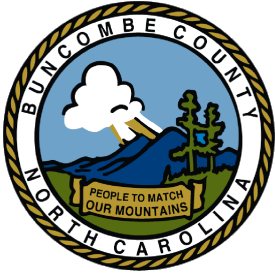
Subject: Increase Budget for Parking Services

Brief Summary: Parking Services is experiencing larger revenues and expenditures than anticipated. Therefore, an increase of \$200,000 is proposed to both the expenditure and revenue budgets. The increase to the expenditure budget will be offset by realizing excess parking fee revenues.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-04-10



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: April 18, 2023

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

NOW THEREFORE,

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

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

ADOPTED this 18th day of April, 2023

Requesting Department: Parking Services
Budget Amendment Item: Increase Budget

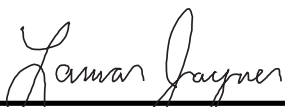
Description: Parking Services is experiencing larger revenues and expenditures than anticipated. Therefore, an increase of \$200,000 is proposed to both the expenditure and revenue budgets. The increase to the expenditure budget will be offset by realizing excess parking fee revenues.

Funding Source:
Parking Fee Revenue

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 100 - Parking Services	\$ 200,000	\$ 200,000
TOTAL	\$ 200,000	\$ 200,000

ATTEST:

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



Clerk to the Board

By: 

Chairman of the Board



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 4/18/2023

Presentations

Department: Justice Services

Presenter: Tiffany Iheanacho

Contacts: Tiffany Iheanacho, Justice Services Director

Subject: Second Chance Month Proclamation

Brief Summary: April is Second Chance Month, a time to recognize the importance of helping individuals, communities, and agencies across the country appreciate their role in supporting the safe and successful reentry of millions of people returning from incarceration each year.

County of Buncombe
Proclamation

Second Chance Month

WHEREAS, nearly all incarcerated individuals will eventually leave prison or jail and return to communities across the state in which approximately 600 citizens returned to Buncombe County from incarceration in state prison in 2022; and

WHEREAS, formerly incarcerated individuals face many hurdles in securing employment, housing, transportation, and health care, made even more challenging during a global health crisis; and

WHEREAS, working with formerly incarcerated people to create opportunities for them to be productive members of society benefits their families and communities in many ways, including improving safety and preventing and reducing crime; and

WHEREAS, efforts are underway at the federal, state, and local levels to establish programs and policies focused on removing the barriers that prevent formerly incarcerated people from pursuing healthy and productive lives; and

WHEREAS, in 2017 the North Carolina General Assembly established the State Reentry Council Collaborative (SRCC) aimed at studying the needs of people reentering their communities and to increase the effectiveness of local reentry councils; and

WHEREAS, in 2022 The Buncombe County Re-entry Council served approximately 220 of returning citizens, with 147 reported securing full-time permanent employment and;

WHEREAS, North Carolina's Reentry Action Plan outlines strategies for supporting and enhancing current reentry initiatives across North Carolina and highlights evidence-based strategies for addressing the challenges faced by justice-involved people and their families; and

WHEREAS, North Carolina's investing in Juvenile Crime Prevention Councils, as led to over \$600,000 in Buncombe County community to support 201 at risk youth in FY2022, creating savings in victims', societal, and justice systems costs and;

WHEREAS, nonprofits, faith-based groups, local reentry councils, employers, and educational institutions, among others across North Carolina, play a critical role in providing resources important to successful reentry, and decreasing stigma by raising awareness of the challenges faced by formerly incarcerated people as they reenter the community; and

WHEREAS, Buncombe County Justice Services is proud to be a partner in offering second chances through its jail diversion and re-entry services;

NOW, THEREFORE, BE IT RESOLVED, that on this 18th day of April 2023, the Buncombe County Board of Commissioners does hereby proclaim April 2023 as **Second Chance Month**, a time to recognize the importance of helping individuals, communities, and agencies across the country appreciate their role in supporting the safe and successful reentry of millions of people returning from incarceration each year.



Community Reparations Commission (CRC) Quarterly Update

Presented by

DK Wesley, Assistant County Manager

County Manager's Report

April 18, 2023



OVERVIEW

- Stop the Harm Audit
- Current Progress
- Looking Ahead
- Discussion



STOP THE HARM AUDIT

- Audit Development in Progress & Firm Selection in Progress
 - Cessation of harm and effective measures taken to end ongoing and current harms (CRC Immediate Recommendation)
- Collaborative scope development - County/City staff & CRC Workgroup
- Key components:
 - Comprehensive audit services include compliance, operational and performance components of the internal and external programs
 - Engagement with key stakeholders through various modalities
 - Continuous communication & milestone reporting
- Request for Proposal released on April 17th / Due June 8th



CURRENT PROGRESS

- IFA Workgroups
 - Critical Path – Identify Harms, Evaluate Data & Develop Recommendations
- Process Refinement
 - Structured data request and response process
 - Additional research capacity through BC Special Collections
 - Outside counsel engaged to assist in discerning statutory authority
- Communications & Public Engagement Plan
 - Artéria Collective - Reparations Document Team
 - CRC members share information in the community (i.e. Grindfest, neighborhood meetings)
 - Collaborative community events
 - Regular update to city website and engagement hub
 - Focus areas to be featured with in-depth conversations on WRES, Buncombe County podcast



LOOKING AHEAD

- Continued Rollout of 2023 Communications & Public Engagement Plan
 - Community Summit – details forthcoming
- Continue to refine & finalize recommendations at timeline milestones
 - Next slate estimated for late Spring 2023 – based on progress
- Next Commission Meeting: April 24, 2023, 6 PM – 8 PM, Harrah's Civic Center



DISCUSSION





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 4/18/2023

New Business

Department: Parks and Recreation / Legal & Risk

Presenter(s): Allison Dains, Parks & Recreation Director

Contact(s): Allison Dains
Michael Frue

Subject: Resolution Regarding Deaverview Mountain Property

Brief Summary: This Board would like to explore creating a county park or preserve for passive recreation and educational opportunities for our community to be located on Deaverview Mountain. Southern Appalachian Highlands Conservancy is seeking state and federal funding to conserve this property and Parks & Recreation Department is directed to proceed with any due diligence required for the establishment of the property as a park or preserve.

Recommended Motion & Requested Action: As directed.

RESOLUTION NO. 23-04-11

RESOLUTION REGARDING DEAVERVIEW MOUNTAIN PROPERTY

- WHEREAS, Greenspace is widely viewed as a health promoting characteristic of residential environments and has been linked to mental health benefits as well as reducing mental fatigue and stress;
- WHEREAS, Parks are a central community infrastructure bringing people and families together;
- WHEREAS, Environmental benefits exist in the possibilities creating a county park on Deaverview Mountain as the property is a conservation opportunity and includes several headwater tributaries impacting water quality, the conservation of important wildlife habitat and a mature forest that provides a cooling effect for the surrounding community; and
- WHEREAS, this Board desires to declare its intent to explore creating a park on Deaverview Mountain.

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

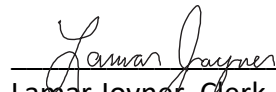
1. That Buncombe County hereby declares its intent to explore creating a county park or preserve for passive recreation and educational opportunities for our community.
2. Staff with the Parks & Recreation Department is directed to partner with Southern Appalachian Highlands Conservancy on seeking state and federal funding.
3. Staff is further directed to proceed with any due diligence required for the establishment of the property as a park or preserve.
4. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

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

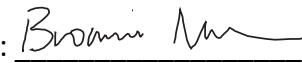
ADOPTED this the 18th day of April 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

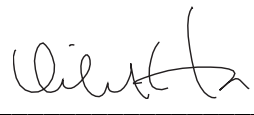


Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney



Deaverview Mountain

Presented by

Allison Dains, Parks & Recreations Director

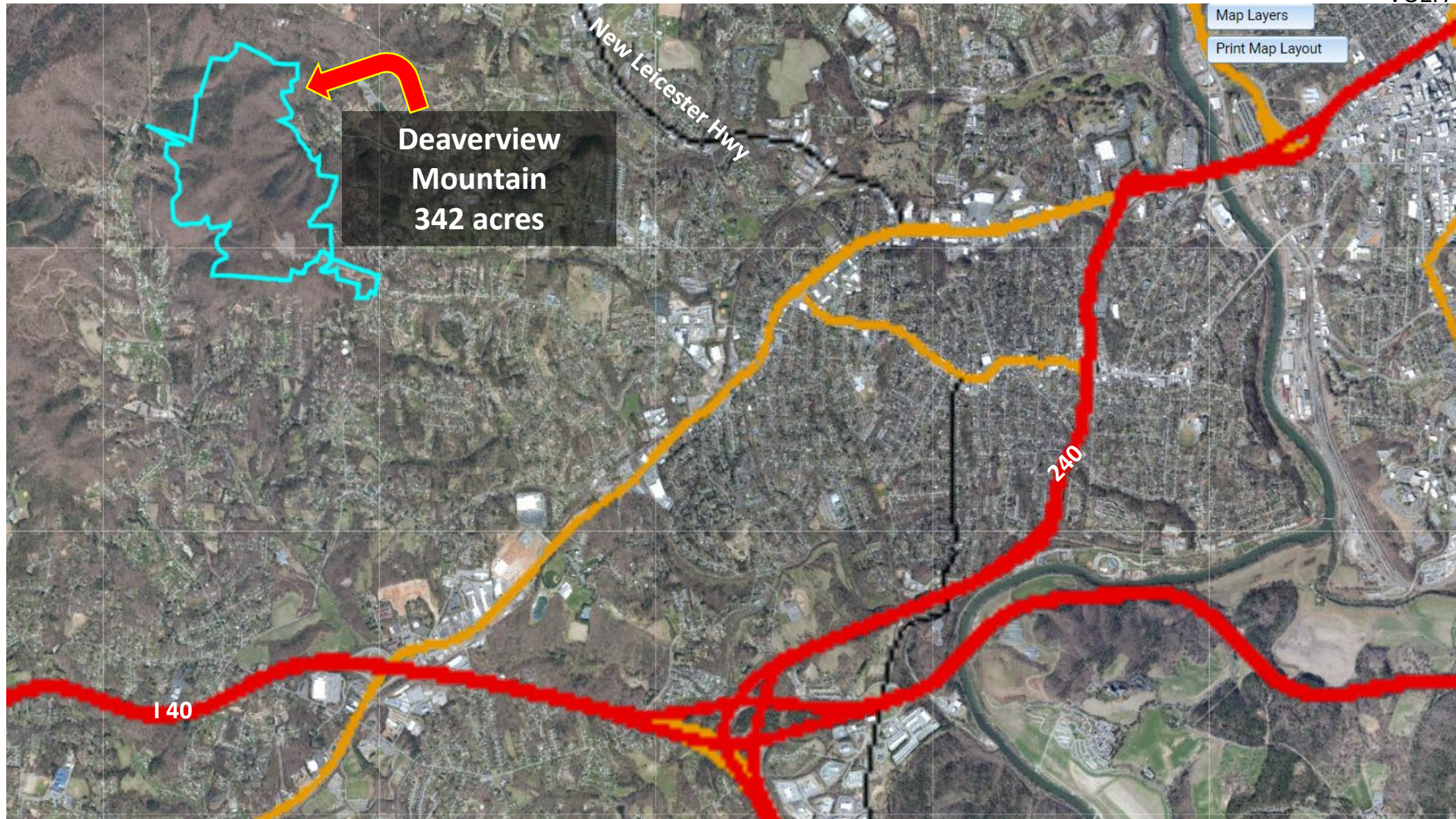


Property is located in the Deaverview Community



- 5.2 miles from Downtown Asheville
- 3.6 miles from West Asheville
- 7.5 miles from Leicester
- 7.9 miles from Candler





Deaverview
Mountain
342 acres

New Leicester Hwy

Map Layers

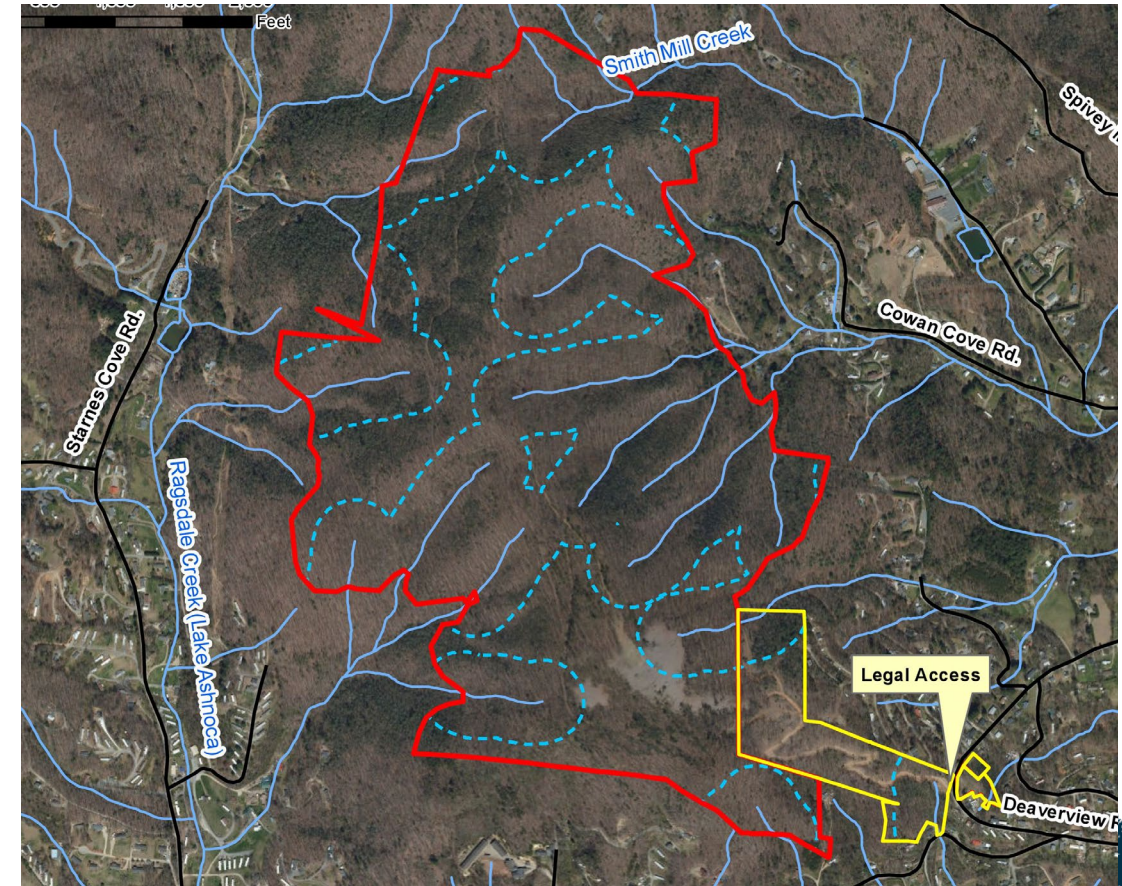
Print Map Layout

240

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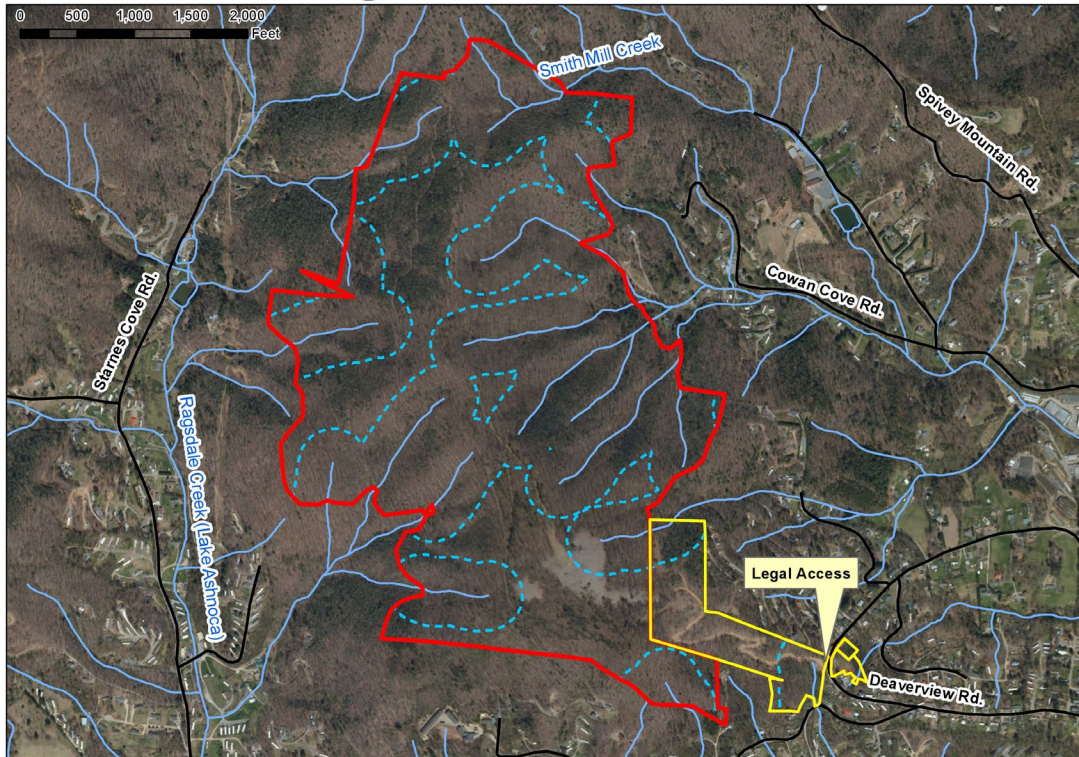
- **Ownership**
 - Privately owned by conservation-minded individual as of March
 - SAHC (Southern Appalachian Highlands Conservancy) – 3 year option to secure needed funds for County donation of property
- **Funding Status**
 - Potential Land and Water Grant Funding: \$4,369,630
 - Additional Funding Needed: \$4,510,000
 - Total Project Cost: \$8,879,630



2023 Deaverview Mountain Tract
Southern Appalachian
Highlands Conservancy



- NCLWF Conservation Easement
- NCLWF DCR Match Area
- Streams
- 300' Buffer
- Roads



- Multimodal unpaved trail development
- Parking lot
- Restrooms
- Storage shed
- Covered picnic shelters
- Observation/viewing platforms
- Educational kiosk
- Maintenance of trails and viewsheds



- **Expected SAHC ownership & County Donation: Early 2026**
- **Expected Start for Improvements: 2027 (earliest estimate)**



Approve Resolution:

- That the Buncombe County Board of Commissioners has the intent to explore creating a county park or preserve for passive recreation and educational opportunities for our community
- Staff has the direction and ability to partner with Southern Appalachian Highlands Conservancy on seeking state and federal funding
- Staff may proceed with any due diligence required for the establishment of the property as a park or preserve.





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 4/18/2023

New Business

Department: Legal & Risk

Presenter(s): Michael Frue

Contact(s): Michael Frue, Senior Staff Attorney

Subject: Resolution for Release of Enka Intermediate School Property

Brief Summary: The County owns the Enka Intermediate property for lending purposes and the current loan package on those limited obligation bonds includes the County's HHS Facility and the sites of Asheville High School and Montford North Star Academy. Also, Enka Candler Fire & Rescue is located on a portion of the Enka Intermediate site through sublease agreement and they have requested that its portion of the property be released from the security. In cooperation with Buncombe County Schools and Bond Counsel, the County seeks to accommodate this request. Having determined that the debt and asset ratios meet the criteria for the release of a portion of the property under the terms of the Deed of Trust, the County requests the Trustee under the Deed of Trust to release the entire Enka Intermediate property from the Deed of Trust and this limited obligation bond security package.

Once this partial release is executed and recorded, the County will deed the Enka Intermediate property to the Buncombe County Board of Education which in turn will convey the fire substation to Enka Candler Fire & Rescue. This part of this transaction was previously approved by the Board of Commissioners and is included in the County's lease of the property to Buncombe County Schools such that once the debt on the property is paid and lien extinguished then the property will be returned to the County Schools.

Recommended Motion & Requested Action: Approve the Resolution for Release of Enka Intermediate School Property.

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

EXTRACTS FROM MINUTES OF THE BOARD

A regular meeting of the Board of Commissioners of the County of Buncombe, North Carolina, was duly held on April 18, 2023 at 5:00 p.m. in the Commission Chambers, 200 College Street, Suite 326, Asheville, North Carolina. Chairman Brownie Newman presiding.

The following members were present:

The following members were absent:

* * * * *

Commissioner _____ moved that the following resolution, copies of which having been made available to the Board, be adopted:

RESOLUTION: 23-04-12

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE,
NORTH CAROLINA, REQUESTING THE RELEASE OF PROPERTY FROM A DEED OF
TRUST RELATED TO LIMITED OBLIGATION BONDS**

WHEREAS, the County of Buncombe, North Carolina (the “County”) and Buncombe Financing Corporation, a North Carolina nonprofit corporation (the “Corporation”), previously entered into an Installment Financing Contract dated as of April 1, 2015, as amended by Amendment Number 1 to the Installment Financing Contract, dated as of March 15, 2018 (collectively, the “Contract”) in order to finance various governmental, school facilities and equipment for the County (the “Projects”);

WHEREAS, to assist the County in financing the Projects, the Corporation executed and delivered Limited Obligation Bonds (the “2015 Bonds”) under an Indenture of Trust dated as of April 1, 2015 (the “2015 Indenture”) between the Corporation and U.S. Bank National Association, the successor to which is Regions Bank, as trustee (the “Trustee”), as supplemented and amended by Supplemental Indenture, Number 1 dated as of March 15, 2018 (the “First Supplemental Indenture” and together with the 2015 Indenture, the “Indenture”), between the Corporation and the Trustee;

WHEREAS, to secure its obligations under the Contract, the County executed and delivered a Deed of Trust, Security Agreement and Fixture Filing dated as of April 1, 2015 (the “2015 Deed of Trust”), as amended by Notice of Extension to Deed of Trust to Additional Property dated as of March 15, 2018 (the “Notice of Extension” and collectively with the 2015 Deed of Trust, the “Deed of Trust”) related to the County's fee simple interest in various sites in the County as more particularly described in the Deed of Trust, including the site of Enka Intermediate School located at 125 Asheville Commerce Pkwy, Enka Village, North Carolina 28715 (the “Enka Property”), and the improvements thereon;

WHEREAS, the County would like to transfer a portion of the site of the Enka Property to Enka-Candler Fire & Rescue, and having determined that it meets the criteria for the release of such property under the terms of the Deed of Trust, therefore the County requests the Trustee, as assignee of the beneficiary under the Deed of Trust, to release the property described in the appendix to this Resolution;

*NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE,
NORTH CAROLINA DOES RESOLVE AS FOLLOWS:*

Section 1. The County hereby requests that the Trustee release in accordance with Section 1.14 of the 2015 Deed of Trust the Enka Property described in the appendix to this Resolution from the lien created by the Deed of Trust. The legal description of the property to be released will be contained in the Deed of Partial Release, to be presented to the Trustee for its execution, and to be executed by the Deed of Trust trustee and recorded in the Buncombe County Register of Deeds office.

Section 2. The Chairman of the Board of Commissioners, the Clerk to the Board of Commissioners, the County Manager, the Interim Finance Director of the County, the Senior Staff Attorney, and their respective designees, are hereby designated to act on behalf of the County to effectuate the release of property from the Deed of Trust as described in this Resolution, and all actions of such officers on behalf of the County with respect to such release, whether previously or hereinafter taken, are hereby approved, ratified and authorized.

Section 3. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and will be deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof.

Section 4. All resolutions or parts thereof of the Board of Commissioners in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 5. This Resolution is effective on its adoption.

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

I, *Lamar Joyner*, Clerk to the Board of Commissioners of the County of Buncombe, North Carolina ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, REQUESTING THE RELEASE OF PROPERTY FROM A DEED OF TRUST RELATED TO LIMITED OBLIGATION BONDS**” adopted by the Board of Commissioners of the County of Buncombe, North Carolina, at a meeting held on April 18, 2023.

WITNESS my hand and the corporate seal of the County of Buncombe, North Carolina, this the ____ day of April, 2023.


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

Appendix – Description of Property to be Released

SITE OF ENKA INTERMEDIATE SCHOOL:

Being all of that certain tract of parcel of land as set forth in plat recorded in Plat Book 142, Page 86 Buncombe County, North Carolina Registry reference to which plat is hereby made for purposes of description.

Currently designated as Buncombe County Tax Parcel Number 961782164300000.

Drawn by and Return to:
Rebecca B. Joyner, Esq.
Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601

STATE OF NORTH CAROLINA

DEED OF PARTIAL RELEASE

BUNCOMBE COUNTY

FOR AND IN CONSIDERATION of the sum of Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, Rebecca B. Joyner, as Deed of Trust trustee ("*Trustee*"), and U.S. Bank National Association, the successor to which is Regions Bank, as bond trustee and assignee of Buncombe Financing Corporation ("*Beneficiary*"), as beneficiary of that certain Deed of Trust, Security Agreement and Fixture Filing dated as of April 1, 2015 (the "*2015 Deed of Trust*") recorded in Book 5308, Pages 1705-1723 in the office of the Register of Deeds, Buncombe County, North Carolina, as amended by the Notice of Extension of Deed of Trust to Additional Property (the "*Modification*" and collectively with the 2015 Deed of Trust, the "*Deed of Trust*") recorded in Book 5648, Pages 1204-1215 in the office of the Register of Deeds, Buncombe County, North Carolina, do hereby remise, release and forever quitclaim unto the County of Buncombe, North Carolina, a political subdivision regularly created and validly existing under the laws of the State of North Carolina (the "*Grantee*"), its successors and assigns, that tract or parcel of real property described in Schedule A, incorporated herein by reference, that is encumbered by the Deed of Trust.

TO HAVE AND TO HOLD the said real property and premises described in Schedule A unto Grantee and its successors and assigns, free and discharged from lien of the Deed of Trust and from the claims of any and all persons thereunder.

IN TESTIMONY WHEREOF, the aforementioned Trustee and Beneficiary have executed this Deed of Partial Release under seal this ___ day of April, 2023.

TRUSTEE:

Rebecca B. Joyner (SEAL)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, _____, a Notary Public of _____ County, State of North Carolina, do hereby certify that Rebecca B. Joyner, Trustee, (the "Signatory") personally appeared before me this day and acknowledged the execution of the foregoing instrument.

I certify that the Signatory personally appeared before me this day, and
(check one of the following and mark through all blank lines or spaces)

_____ I have personal knowledge of the identity of the Signatory; **or**
_____ I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:
(check one of the following and mark through all blank lines or spaces)
_____ a driver's license; **or**
_____ in the form of _____; **or**
_____ a credible witness has sworn to the identity of the Signatory.

The Signatory acknowledged to me that she voluntarily signed the foregoing instrument for the purpose stated and in the capacity indicated.

Witness my hand and official stamp or seal this _____ day of _____, 2023.

Notary Public

Print Name: _____
[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: _____

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

BENEFICIARY:

**REGIONS BANK, AS ASSIGNEE OF
BUNCOMBE FINANCING CORPORATION, AS TRUSTEE**

By: _____
Sean Julien
Vice President

STATE OF _____

COUNTY OF _____
(place of acknowledgment)

I, _____, a Notary Public of _____ County, State of _____, do hereby certify that Sean Julien, ("Signatory"), as Vice President of Regions Bank, as Assignee of Buncombe Financing Corporation, as Trustee, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the bank for the purposes stated therein.

I certify that the Signatory personally appeared before me this day, and
(check one of the following and mark through all blank lines or spaces)

_____ I have personal knowledge of the identity of the Signatory; **or**
_____ I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:
(check one of the following and mark through all blank lines or spaces)
_____ a driver's license; **or**
_____ in the form of _____; **or**
_____ a credible witness has sworn to the identity of the Signatory.

The Signatory acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated and in the capacity indicated.

Witness my hand and official stamp or seal this _____ day of _____, 2023.

Notary Public
Print Name: _____
[Note: Notary Public must sign exactly as on notary seal]
My Commission Expires: _____

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

SCHEDULE A

DESCRIPTION OF REAL PROPERTY TO BE RELEASED FROM DEED OF TRUST

SITE OF ENKA INTERMEDIATE SCHOOL:

Being all of that certain tract of parcel of land as set forth in plat recorded in Plat Book 142, Page 86 Buncombe County, North Carolina Registry reference to which plat is hereby made for purposes of description.

Currently designated as Buncombe County Tax Parcel Number 961782164300000.

MATERIAL EVENT NOTICE

County of Buncombe, North Carolina
Limited Obligation Bonds, Series 2015
Limited Obligation Bonds, Series 2018
CUSIP #: 120525

The County of Buncombe, North Carolina (the “County”) has caused to be released the site of the Enka Intermediate School located at 125 Asheville Commerce Pkwy, Enka Village, North Carolina and currently designated as Buncombe County Tax Parcel Number 961782164300000 from the Deed of Trust, Security Agreement and Fixture Filing dated as of April 1, 2015 (the “Deed of Trust”) recorded in Book 5308, Pages 1705-1723 in the office of the Register of Deeds, Buncombe County, North Carolina, as amended by the Notice of Extension of Deed of Trust to Additional Property recorded in Book 5648, Pages 1204-1215 in the office of the Register of Deeds, Buncombe County, North Carolina. The Deed of Partial Release was filed on April [], 2023 in Book [], Page [] in the office of the Register of Deeds, Buncombe County, North Carolina.

The Deed of Trust remains secured by the site of the County’s HHS Facility as recorded in Book 5308, Page 1722 in the office of the Register of Deeds, Buncombe County, North Carolina and the sites of Asheville High School and Montford North Star Academy as recorded in Book 5648, Pages 1212-1214 in the office of the Register of Deeds, Buncombe County, North Carolina.



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: April 18, 2023

New Business

Department: Budget

Presenter(s): John Hudson, Budget

Contact(s): Dane Pederson, Solid Waste

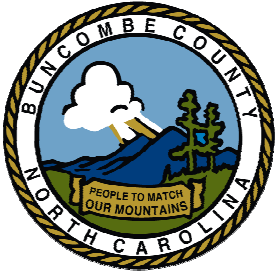
Subject: Closure of Transfer Facility Project

Brief Summary: On April 4th, the Commission approved a series of project closures. In Fund 342 (Solid Waste Capital Projects Fund), the Closure of the Transfer facility identified \$500,000 as the amount of the closure. In total, the closure needed to be \$10,488,616. Therefore, this amendment closes the remainder of the project as intended by the original amendment. Savings remain the same as before: \$18,167.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-04-13



BUNCOMBE COUNTY, NORTH CAROLINA
Solid Waste Capital Projects Fund Project Ordinance

BOARD MEETING DATE: April 18, 2023

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

NOW THEREFORE,

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

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

ADOPTED this 18th day of April, 2023

Project Name: Closure of Transfer Facility Project

Description:

On April 4th, the Commission approved a series of project closures. In Fund 342 (Solid Waste Capital Projects Fund), the Closure of the Transfer facility identified \$500,000 as the amount of the closure. In total, the closure needed to be \$10,488,616. Therefore, this amendment closes the remainder of the project as intended by the original amendment. Savings remain the same as before: \$18,167.

Funding Source:

No additional dollars.

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Transfer Facility	\$ (9,988,616)	\$ (9,988,616)
TOTAL	\$ (9,988,616)	\$ (9,988,616)

ATTEST:

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


Clerk to the Board

By: 
Chairman of the Board