

Board of Commissioners' Agenda

September 20, 2022

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

Public Comment is taken at the beginning of the meeting.

The meeting will broadcast via Facebook Live @Buncombegov.

Call To Order

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Discussion / Adjustment / Approval To Follow Agenda

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Consent Agenda [▲top](#)

- [Approval of September 6, 2022 Briefing Meeting Minutes](#)
- [Approval of September 6, 2022 Regular Meeting Minutes](#)
- [Resolution Appointing Review Officers](#)
- [Resolution Approving Pyrotechnic Experts for Firework Display](#)
 - [Resolution](#)
- [Resolution Authorizing the Execution of an Interlocal Agreement with U.S., NC, and Buncombe County Regarding Conservation Services](#)
 - [Resolution](#)
 - [Agreement](#)
- [Approval Revision of Project Scope for FY20 Repairs for Libraries Project](#)
- [Budget Amendment for Every Student Succeeds Act \(ESSA\) Transportation Contract](#)
 - [Ordinance](#)
- [Budget Amendment for VAYA American Rescue Plan Act \(ARPA\) Child & Family Grant - FY23 Additional Funds](#)
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Public Comment

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- [Hispanic & Latino Heritage Month Proclamation](#)
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New Business ▲top

- [Resolution Granting Utility & Temporary Construction Easements to Public Service Company of North Carolina d/b/a Dominion Energy](#)
 - [Resolution](#)
 - [Budget Amendment for State Lottery Project Award - Buncombe County Schools \(Security Hardware Upfits\)](#)
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Board Appointments [▲top](#)

- Mountain Community Capital Fund Operating Committee
 - Joseph Hackett
 - Hunter Goosman
 - Planning Board
 - Jeffrey Barfield
 - Terry Simmons
 - Kathrine Cook
 - Dane Barrager
 - Eric Robinson
 - James Titus
-

Announcements [▲top](#)

- September 27 @ 11 a.m. - Commissioners' Comprehensive Plan Work Session at 200 College Street, Room 326 in downtown Asheville.
- October 4 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- October 4 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.

Closed Session / Open Session

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Adjournment

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MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF SEPTEMBER 20, 2022 AT 5 P.M.

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 20, 2022, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

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

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

Parker Sloan, Commissioner, was absent from the meeting.

Staff present: Sybil Tate, Assistant County Manager; John Hudson, Budget Director; Keith Miller, Tax Assessor; Stoney Blevins, Health & Human Services Director; Taylor Jones, Emergency Services Director; Jennifer Harrison, Agriculture & Land Resources Director; Tim Love, Intergovernmental Relations; Nathan Pennington, Planning Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Brandon Freeman, Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

- Approval of September 6, 2022 Briefing Meeting Minutes
- Approval of September 6, 2022 Regular Meeting Minutes
- Resolution Appointing Review Officers
- Resolution Approving Pyrotechnic Experts for Firework Display
 - Resolution
- Resolution Authorizing the Execution of an Interlocal Agreement with U.S., NC, and Buncombe County Regarding Conservation Services
 - Resolution
 - Agreement
- Approval Revision of Project Scope for FY20 Repairs for Libraries Project
- Budget Amendment for Every Student Succeeds Act (ESSA) Transportation Contract
 - Ordinance
- Budget Amendment for VAYA American Rescue Plan Act (ARPA) Child & Family Grant - FY23 Additional Funds
 - Ordinance

PUBLIC COMMENT

Anne Craig, Rachael Bliss, and Tom Craig read parts of their International Day of Peace Proclamation.

PRESENTATIONS

- **Hispanic & Latino Heritage Month Proclamation**

Commissioner Beach-Ferrara presented and read the proclamation in Spanish and English. Residents of our Hispanic and Latino community were present during the presentation.

- **Tropical Storm Fred Disaster Recovery Program Update**

Richard Trumper and Dana Phillips, NC Office of State Budget & Management (OSBM), updated the Board on the Tropical Storm Fred Disaster Recovery Program. Success of the program was highlighted with local data and information.

- **Board of Equalization & Review**

Debbie Lane, Chairperson, explained the purpose of the board and provided a list of accomplishments.

PUBLIC HEARINGS

- **FY 2024 Annual Section 5311 Administrative Grant Application**

William High, Planning & Development, explained that the County is a designated applicant/recipient of state and federal transportation funds made available through North Carolina Department of Transportation (NCDOT). The County's Community Transportation System, Mountain Mobility, provides transportation to older adults, persons with disabilities, clients of human service agencies, members of the general public (outside of the City of Asheville), clients of Medicaid, and citizens of the City of Asheville eligible for ADA Complementary Paratransit. The funds help offset costs for related to providing Mountain Mobility services and programs.

The Chairman opened the hearing at 5:46 p.m.

The hearing was closed at 5:47 p.m.

Vice Chair Edwards moved to adopt the authorizing resolution as presented. Commissioner Pressley seconded and the motion passed 6-0.

- **Community Development Block Grant Neighborhood Revitalization**

Nancy Williams, Planning & Development, explained that the CDBG funds are awarded to the State by the US Department of Housing and Urban Development (HUD) and a portion of the funds are awarded through the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program. The County must adopt a citizen participation plan that provides citizens access to information and participation in all project stages. This is the second of two public hearings required and the funds can be used for a variety of different activities in support of three livability principles: (1) to promote equitable, affordable housing; (2) support existing communities; and (3) value communities and neighborhoods.

The Chairman opened the hearing at 5:52 p.m.

Katherine Cook inquired about the use of funds for mobile homes.

The hearing was closed at 5:53 p.m.

Commissioner Wells moved to adopt the resolution to approve the submittal of CDBG-NR application. Commissioner Beach-Ferrara seconded and the motion passed 6-0.

COUNTY MANAGER'S REPORT

- **Conservation Easement Grant Funds**

Ariel Zijp, Farmland Preservation Program of Agriculture & Land Resources Department, explained receiving the \$1.3 million award to help protect land in the County and the process for usage of the funds.

NEW BUSINESS

- **Resolution Granting Utility & Temporary Construction Easements to Public Service Company of North Carolina d/b/a Dominion Energy**

Michael Frue, Senior Staff Attorney, explained the request to use two County-owned parcels by Dominion Energy to install a gas line. Dominion Energy is requesting a permanent easement to relocate and maintain a replacement underground gas pipeline, and a temporary easement for the installation of the same, on certain County properties located on Old US Highway 70 and adjacent to the Swannanoa River.

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

- **Budget Amendment for State Lottery Project Award - Buncombe County Schools (Security Hardware Upfits)**

John Hudson, Budget Director, explained the budget amendment.

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

BOARD APPOINTMENTS

Chairman Newman moved to appoint, by general consensus of receiving the most votes, **Eric Robinson** to the **Planning Board**.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *September 27 @ 3 p.m. - Commissioners' Comprehensive Plan Work Session at 200 College Street, Room 326 in downtown Asheville.*
- *October 4 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *October 4 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Beach-Ferrara moved to adjourn the meeting. Vice Chair Edwards seconded and the motion passed 6-0. The meeting was adjourned at 6:10 p.m.


LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS


BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS

Prepared by and Return to: Michael C. Frue, Buncombe County
200 College Street
Asheville NC 28801

RESOLUTION #22-09-09

RESOLUTION APPOINTING REVIEW OFFICERS

- WHEREAS, pursuant to GS 47-30.2, the Buncombe County Board of Commissioners is required to appoint by resolution one or more persons as review officers to review a plat before it is recorded and certify that it meets the statutory requirements for recording;
- WHEREAS, this Board has previously appointed staff members from the Buncombe County and City of Asheville Planning Departments as review officers, and these appointments periodically require an update to reflect staffing changes; and
- WHEREAS, the Buncombe County and City of Asheville Planning Departments have requested that the staff members listed in the attached Exhibit A be appointed.

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

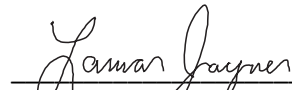
1. That the County employees identified in Exhibit A are hereby appointed to serve as review officers for Buncombe County.
2. That the City employees identified in Exhibit A are hereby appointed to serve as review officers for all plats submitted within the jurisdiction of the City of Asheville.
3. That this Resolution shall be recorded in the Office of the Register of Deeds after adoption and the Register of Deeds Office shall index in the Grantor Index in the name of each review officer shown on Exhibit A.

4. That upon discontinuing employment or otherwise assuming different job responsibilities with the County of Buncombe or the City of Asheville as applicable, the duties of an appointed individual shall cease.
5. That this resolution shall be effective upon its adoption.

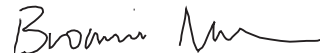
This the 20th day of September, 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

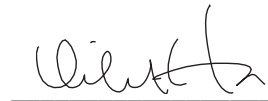


Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney

EXHIBIT A

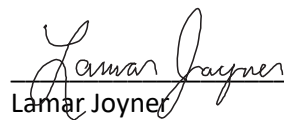
Plat Review Officers for Buncombe County:

Brad Burton	County Planning
Haylee Madfis	County Planning
Courtney Savannah Gibson	County Planning
Shannon Capezzali	County Planning
Gillian Phillips	County Planning
Nathan Pennington	County Planning
Matt Card	County Planning
Tiffany Mila White	County Planning
Jason Payne	County Planning

Plat Review Officers for the City of Asheville

Jennifer Blevins	City Planning
Grainne Miser	City Planning
Ricky Hurley	City Planning
Sam Starr-Baum	City Planning
Haley Mahoney	City Planning
Tyler Kelley	City Planning
Stuart Rohrbaugh	City Planning

I, Lamar Joyner, duly appointed Clerk to the Board of Commissioners for Buncombe County, do hereby certify that the above individuals were duly appointed by the Board of Commissioners to serve as review officers on September 20th, 2022.



Lamar Joyner
Clerk to the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

Consent Agenda

Department: Emergency Services

Presenter(s): Kevin Tipton, Fire Marshal

Contact(s): Kevin Tipton, Fire Marshal

Subject: Resolution Approving Pyrotechnic Experts for Firework Displays

Brief Summary:

- Request from Pyrotechnico and James Wright to conduct a fireworks display on 10/22/2022 and 10/29/2022 for Biltmore Estate, 1 Approach Road, Asheville NC 28803.

Recommended Motion & Requested Action: Approve resolution.

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

RESOLUTION #: 22-09-10

**RESOLUTION APPROVING PYROTECHNICS EXPERTS FOR CONDUCTING
FIREWORKS DISPLAYS**

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

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

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

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

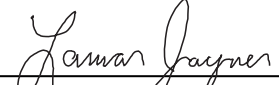
1. That the following be granted permission to conduct fireworks displays at the location and on the dates shown, to-wit:

<u>NAME</u>	<u>LOCATION</u>	<u>DATE</u>
Pyrotecnico	1 Approach Road, Asheville	October 22 & 29, 2022

2. The County Fire Marshal has reviewed these requests and found that those listed above are qualified pyrotechnic experts.
3. That pursuant to N.C.G.S. 14-410 and 14-413 the Board has found that the above named individual/company is a qualified pyrotechnic expert for the purpose of conducting fireworks displays.

ADOPTED this the 20th day of September, 2022.

ATTEST



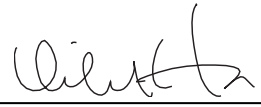
LAMAR JOYNER, CLERK

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



BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM:



COUNTY ATTORNEY



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

Consent Agenda

Department(s): County Legal Department/Soil and Water

Presenter(s): Jennifer Harrison/Michael Frue

Contact(s): Jennifer Harrison/Michael Frue

Subject: Resolution Authorizing the Execution of an Interlocal Agreement with the United States Department of Agriculture, Natural Resources Conservation Service; the State of North Carolina, Department of Agriculture and Consumer Services Division of Soil and Water Conservation; the Buncombe County Soil and Water Conservation District; and Buncombe County Regarding Conservation Services

Brief Summary: Buncombe County and Buncombe County Soil and Water Conservation District coordinates and implements locally led conservation using its connections to Federal, State, Tribal, and local governments; private resources; and the public. These arrangements can be complex and having in place a memorandum of agreement outlining the respective roles, responsibilities, and expectations of the main governmental entities involved can be helpful. To that end, County staff and Buncombe County Soil and Water Conservation District recommend entering into the proposed Memorandum of Agreement, which would, among other things, facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans with cooperating landowners, and bring attention to those efforts to landowners and others within the County and District.

Buncombe County Soil and Water Conservation District Board of Supervisors approved the agreement at their August 11, 2022 Board meeting.

Recommended Motion & Requested Action: Motion and vote that the Resolution be approved.

County Manager's comments and Recommendation: Recommends approval.

RESOLUTION # 22-09-11

Resolution Authorizing the Execution of an Interlocal Agreement with the United States Department of Agriculture, Natural Resources Conservation Service; the State of North Carolina, Department of Agriculture and Consumer Services Division of Soil and Water Conservation; the Buncombe County Soil and Water Conservation District; and Buncombe County Regarding Conservation Services

WHEREAS, the NRCS and Buncombe County Soil and Water Conservation District, the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and Buncombe County (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources; and

WHEREAS, the Parties share the following common objectives:

- Continuing to support the delivery of excellent and innovative customer service;
- Recognizing conservation planning as foundational to our work, and working together to meet the conservation planning assistance needs of their cooperators/customers;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation; and

WHEREAS, Buncombe County coordinates and implements locally led conservation plans using its connections to Federal, State, Tribal, and local governments; private resources; and the public; and

WHEREAS, the Parties desire to enter into a memorandum of agreement such as the proposed interlocal agreement (attached hereto as Exhibit A (the "Agreement")), which would, among other things, facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district; and

WHEREAS, N.C. Gen. Stat. § 153A-11 authorizes North Carolina counties to contract and be contracted with and N.C. Gen. Stat. § 160A-461 authorizes any unit of local government in North Carolina and any one or more other units of local government in North Carolina to enter into contracts or agreements with each other in order to execute any undertaking

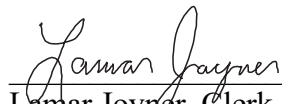
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That it hereby authorizes the execution of the Agreement.
2. That the Chair, Vice Chair, and County Manager, or any of them, or their designee, acting individually or collectively, are hereby authorized, empowered and directed to take all actions necessary or appropriate in the judgment of such officers to accomplish the purposes and intents of this Resolution, including the execution and delivery of the Agreement and all other documents, agreements, instruments, and/or certificates contemplated and/or made necessary by said Agreement.
3. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and 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.
4. That this resolution shall become effective upon its adoption.

This the 20th of September, 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE


Lamar Joyner, Clerk

By: 
Brownie Newman, Chair

APPROVED AS TO FORM


County Attorney

MEMORANDUM OF AGREEMENT
between the
United States Department of Agriculture, Natural Resources Conservation Service
AND
State of North Carolina, Department of Agriculture and Consumer Services -
Division of Soil and Water Conservation
AND
Buncombe County Soil and Water Conservation District
AND
Buncombe County, North Carolina

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the Buncombe County Soil and Water Conservation District, the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation, and Buncombe County.

The NRCS and Buncombe County Soil and Water Conservation District, the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and Buncombe County (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service;
- Recognizing conservation planning as foundational to our work, and working together to meet the conservation planning assistance needs of our cooperators/customers
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

II. BACKGROUND

The NRCS, Buncombe County Soil and Water Conservation District, Buncombe County and NCDACS - Division of Soil and Water share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

The first Conservation District was established in 1937 to provide local leadership in natural resources management. Conservation Districts serve as the link between federal, state, and local resources with farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering technical assistance and funding to their respective communities.

III. STATEMENT OF MUTUAL BENEFIT

In conjunction with the NRCS and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation, the Buncombe County Soil and Water Conservation District, Buncombe County coordinates and implements locally led conservation plans using their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning authority under state statute and the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit any party to activities beyond the scope of its respective mission and statutory authorities.

A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by programs. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

1. The Buncombe County Soil and Water Conservation District shall:

- a. Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
 - b. Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.
 - c. Assemble and chair the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage public participation.
 - i. Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved community.
 - ii. Open local working group meetings to the public and advertise notification of meetings in one or more newspapers, including Tribal publications.
 - iii. Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
 - iv. Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.
 - v. Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy (Title 440, Conservation Programs Manual).
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- d. Develop the conservation needs assessment through broad-based community participation and in accordance with NRCS policy and procedures. This will provide a comprehensive evaluation of the district's natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
 - e. Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
 - f. Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year, or as specified in state statute. These documents must incorporate local and community inputs.
 - g. Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
 - h. Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
 - i. Cooperate and collaborate across conservation districts, as appropriate and as permitted

by state statute.

2. NRCS shall:

- a. Support outreach activities and ensure the parties are kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Conservation District.
- b. Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
 - i. Designate an NRCS representative to participate in Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Conservation District be unable or unwilling to.
 - ii. Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- c. Respond to requests from the parties for technical guidance and assistance.
- d. Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further Conservation District natural resource conservation goals and objectives.
- e. Attempt to align program priorities within the conservation district with the natural resource concerns identified by the local working group.
- f. Provide an annual summary of NRCS accomplishments to the parties.

B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

1. The Buncombe County Soil and Water Conservation District shall:

- a. Adhere to Federal, State, Local, and Tribal laws and regulations.
- b. Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- c. Leverage and promote use of USDA technologies and applications, as appropriate.
- d. Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA

authorities or programs.

- e. Participate in local, state, and national opportunities for policy, program, and project development.

2. NRCS shall:

- a. Develop, update, and disseminate technical standards, policies, and procedures.
 - b. Seek input and comment from communities on natural resource conservation policies and issues.
 - c. Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
 - d. Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
 - e. Provide job approval authority for non-NRCS employees, in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
 - f. Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS policy and Federal, State, and local laws, regulations and codes.
 - g. Create and promote opportunities for the Conservation District board members and staff to participate in policy, program, and project development.
-
- h. Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the support and delivery of field- based conservation technical assistance.

3. North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation shall:

- a. Adhere to Federal, State, Local, and Tribal laws and regulations.
- b. Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- c. Leverage and promote use of USDA technologies and applications, as appropriate.
- d. Assure state statutes and regulations are observed by all parties.

C. Data and Information Sharing

- 1. Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552).

2. Activities performed under this agreement may involve access to confidential and potentially sensitive information about governmental and landowner issues. The term “confidential information” means proprietary information or data of a personal nature about an individual, or information or data submitted by or pertaining to an organization. This information must not be disclosed without the prior written consent of NRCS.
3. Conservation District personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. Section 552a, and implementing regulations and policies with respect to systems of records determined to be subject to the Privacy Act. The Partner’s personnel must also comply with privacy of personal information relating to natural resources conservation programs in accordance with 7 USC 8791 (Section 1619 of PL 110-234, the Food, Conservation, and Energy Act of 2008).
4. See Appendix A, “ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS.” The signatory agrees to abide by these requirements as a condition of receiving access to such information.

D. Buncombe County and the Buncombe County Soil and Water Conservation District

1. The County and the Conservation District shall cooperate each with the other in implementing and accomplishing the purposes and intents of this Memorandum and Agreement with NRCS and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation.
2. The County and the Conservation District shall abide by Appendix B, Personnel and Fiscal Management.
3. The terms and conditions of this Subsection and Appendix B only affect the County and Conservation District and are not applicable to and have no bearing on obligations of NRCS and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation under this Memorandum.

DI. **GENERAL PROVISIONS**

A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

B. Amendments

1. This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Any of the parties may terminate this MOA with a 60-day written notice to the others.
2. This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. Local-level MOAs reflect locally developed detailed working arrangements, to

include NRCS's and Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

1. This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:
 - a. Office spaces and equipment/supplies
 - b. Vehicles and associated expenses (e.g., fuel, maintenance)
 - c. Computers, software, and technical equipment
2. The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:
 - a. Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
 - b. Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
 - c. Reimbursable Agreement (31 USC 6505; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

1. This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.
2. The parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
3. All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.
4. All activities conducted under this MOA shall follow the Drug-Free Workplace Act of 1988 (Public

Law 100-690, Title V, Subtitle D).

5. Contacts for each Party for administrative or technical concerns are listed below:

Natural Resources Conservation Service	Buncombe County Soil and Water Conservation District
<i>Timothy Beard, State Conservationist</i>	<i>Gary Higgins, Board Chair</i>
NCDACS - Division of Soil and Water Conservation	Buncombe County
<i>Vernon Cox, Director</i>	<i>Avril Pinder, County Manager</i>

V. SIGNATURES

NATURAL RESOURCES CONSERVATION SERVICE

Timothy Beard, State Conservationist

Date

NCDACS – DIVISION OF SOIL AND WATER CONSERVATION

Vernon Cox, Director

Date

BUNCOMBE COUNTY SOIL AND WATER DISTRICT



Gary Higgins, Board Chair

8-11-22

Date

BUNCOMBE COUNTY

Avril Pinder, County Manager

Date

APPENDIX A

ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS

I. Purpose and Background

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter, "Acknowledgment") is to require acknowledgment by Buncombe County Soil and Water Conservation District (hereinafter, the "Conservation Cooperator") of the requirements of 7 USC 8791 (Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill)), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. The Conservation Cooperator assists USDA in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a Federal agreement. Those individuals or organizations (governmental or nongovernmental) that assist USDA with providing conservation-related services are known as Conservation Cooperators.

II. NRCS Conservation Cooperator

As a Conservation Cooperator, the Conservation Cooperator is authorized access to otherwise-protected agricultural information. Such protected information must be strictly limited to only that information necessary for the Conservation Cooperator to provide conservation related services or to perform monitoring, assessing, or evaluating of conservation benefits (as specified in the agreement between NRCS and the Conservation Cooperator). Disclosure to the Conservation Cooperator can include receiving the protected information either 1) directly from USDA; 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program; or 3) in another manner with the producer's permission.

III. Section 1619 of the 2008 Farm Bill

Section 1619 of the Food, Conservation, and Energy Act of 2008 hereinafter, "section 1619" provides that USDA, or any "contractor or cooperator" of USDA, "shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided." USDA may disclose protected information to a USDA cooperator when such cooperator is "providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices" if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. The Conservation Cooperator is a "contractor or cooperator" of USDA within the meaning of Section 1619. Accordingly, the Conservation Cooperator may not subsequently disclose any information protected by section 1619. By entering the agreement that references this Acknowledgment, the Conservation Cooperator is certifying future compliance with the statutory obligations under Section 1619.

IV. Responsibilities

A. The Conservation Cooperator certifies that:

1. It acknowledges and understands that the Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The Conservation Cooperator will be held responsible should disclosure of the protected information occur.
2. Acceptance of the agreement referencing this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Conservation Cooperator to comply with the provisions in Section 1619. The Conservation Cooperator must consult with USDA prior to providing protected information to an entity or individual outside of the Conservation Cooperator and as necessary to implement the program to ensure that such release is permissible.
3. The Conservation Cooperator will use the protected information only to perform work that is directly connected to conservation related services or perform monitoring, assessing, or evaluating conservation benefits, as specified in the agreement between NRCS and the Conservation Cooperator (hereinafter, "the Work"). Use of the protected information to perform work that is not directly connected to the Work is expressly prohibited.
4. The Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to perform the Work.
5. The provisions in Section 1619 are continuing obligations. Even when the Conservation Cooperator is no longer a Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
6. The Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.
7. When the Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, the Conservation Cooperator must consult with USDA to determine whether the information must be withheld.
8. This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned, extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.
9. Use of the protected information for any purpose is expressly prohibited when an

individual or organization is no longer a Conservation Cooperator. When the Conservation Cooperator is no longer a Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to USDA. The Conservation Cooperator must provide to USDA written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.

10. The State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

V. Protected Information

- A. An example of the type of information prohibited by disclosure under Section 1619 includes, but is **not limited to**, the following:
 1. State identification and county number (where reported and where located).
 2. Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
 3. Farm, tract, field, and contract numbers.
 4. Production shares and share of acres for each Farm Serial Number (FSN) field.
 5. Acreage information, including crop codes.
 6. All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
 7. Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
 8. Location of conservation practices.
- B. Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however, the Conservation Cooperator shall consult with USDA if there is any uncertainty as to the provision of such information.
- C. Section 1619 also allows disclosure of otherwise protected information if "the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite." The Conservation Cooperator must consult with USDA as to whether specific information falls within this exception prior to relying on this exception.

VI. Violations

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in

action by USDA, including termination of the underlying Federal agreement.

VII. Effective Period

This Acknowledgment will be in effect on the date of the final signature of the underlying agreement and continues until USDA notifies the Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.

APPENDIX B

PERSONNEL AND FISCAL MANAGEMENT

The parties recognize that natural resources conservation programs are delivered through an intergovernmental system in which federal, state and local governments work together.

Each party will provide their own staffing and fiscal resources commensurate with workload, priorities, allocation of funding and expertise necessary to deliver a balanced and diversified conservation delivery system. There are certain authorities delegated to staff as follows:

The Department Head

The Department Head shall be the Ag and Land Resources Director. The Department Head shall be responsible for implementing the policies and practices of the Buncombe Soil and Water Conservation District (herein "BSWCD") as well as supervising County employees in accordance with the Buncombe County Personnel Ordinance ("BCPO"). The Department Head will represent the BSWCD at County meetings, conferences and appropriate functions. The Department Head will act as a liaison between the BSWCD and the County. The Department Head is also the District Director for the BSWCD.

Hiring of the Department Head and the Soil Conservationist

The parties agree that the hiring of the Department Head and Soil Conservationist shall be done in accordance with the Buncombe County Personnel Ordinance. At least one, and no more than two, District Supervisor(s) of the BSWCD shall take part in the interviews for the Department Head and the Soil Conservationist. After consulting with the District Supervisors of the BSWCD, the County Manager or his or her designee shall make the selection/appointment. Once appointed, the Department Director and the Soil Conservationist shall be subject to the terms and conditions of the BCPO. The County Manager or his or her designee will notify the BSWCD of any disciplinary action against the Department Head or the Soil Conservationist.

Any District Supervisor scheduled to take part in employment interviews will be required to take Buncombe County Human Resources ("BCHR") training regarding hiring practices prior to review of any application for employment and prior to participating in any interview. A participating District Supervisor will also sign any confidentiality statement BCHR may require.

Personnel Management

The management of personnel assigned to the BSWCD shall be as follows:

- a. The hiring and firing of County employees assigned to the BSWCD shall be done in accordance with the BCPO.
- b. The management of NRCS personnel is the responsibility of the NRCS.
- c. The hiring, supervision, development, evaluation and dismissal of County employees will be done in accordance with the BCPO.
- d. The management of County employees is the responsibility of the County Manager by and through the Department Head.

e. In the interest of facilitating these responsibilities, the Supervisory Soil Conservationist (SSC) is delegated the authority for:

1. Technical supervision

- a. As a condition of assigning CPD or JAA for ecological sciences and engineering practices to County employees, NRCS must periodically review the technical work of these employees to assure adherence to the planning and design standards and policy. The SSC is assigned the role of Technical Supervisor. NRCS Area Office personnel will also periodically review the technical work of both NRCS and County employees.

2. Delivery of employee technical training and development.

f. If requested, and consistent with N.C. Gen. Stat. §153A-98, Department Head shall inform the BSWCD District Board of Supervisors regarding the following:

1. Recruitment and hiring of County employees assigned to the District;
2. Employee performance evaluation, including awards, disciplinary action and separation;
3. Leave coordination; and
4. Training needs.

g. If applicable, the Department Head shall be responsible for documenting 1040 hours for each funded position spent per year on non-point source pollution control issues by office staff.

h. The District Supervisors understand that personnel information regarding County employees is confidential and protected by N.C. Gen. Stat. §153A-98. Accordingly, such personnel information will only be shared with the District Supervisors in accordance with N.C. Gen. Stat. §153A-98 or as may be authorized by such other confidentiality exception as may be applicable.

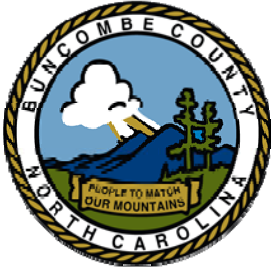
Fiscal Management

The parties will work together to maximize available resources and actively seek funding to accomplish natural resources and programs.

Each party is responsible for its own fiscal resources to include equipment, supplies, and accounts.

The Department Head and Buncombe County Finance will assist the district with the following:

- 1) Development of operating budgets.
- 2) Tracking of expenditures for maintaining funding accountability.
- 3) Making recommendations regarding expenditure of funds and purchases.



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 20, 2022

Consent Agenda

Department:
General Services

Presenter(s):
John Hudson, Budget

Contact(s): Michael Mace, General Services

Subject: Revise Project Scope for FY20 Repairs for Libraries Project

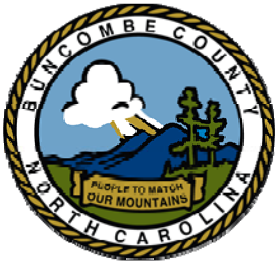
Brief Summary: This is a request to revise the project scope for the FY20 Repairs for Libraries project. The project has completed the original scope with \$156,441.35 in remaining funds and General Services would like to use the remaining funds for parking lot improvements at:

- South Buncombe Library
- Enka Library
- Weaverville Library
- North Library

No new funding is required to complete this project.

Recommended Motion & Requested Action: Approve change of project scope as requested

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



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 20, 2022

Consent Agenda

Department: Health and Human Services

Presenter(s): John Hudson, Budget

Contact(s): Stoney Blevins, Health and Human Services Director
Rebecca Smith, Social Work Division Director

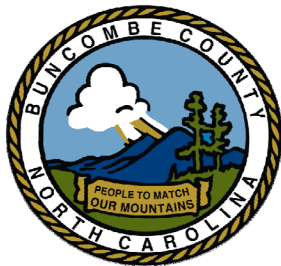
Subject: Every Student Succeeds Act (ESSA) Transportation Contract

Brief Summary: Every Student Succeeds Act (ESSA) requires that Buncombe County Health and Human Services and Buncombe County Schools work in partnership to ensure that a child in foster care needing transportation to placements outside of their home districts receives such transportation for the duration of time in foster care. BCHHS currently provides transportation; however, due to challenges with identifying a cost-effective vendor in FY23, BCS and BCHHS have agreed to establish a memorandum of understanding for providing transportation: When transportation is provided by BCHHS or the County funded contracted transportation vendor, the County will bill BCS for their share of transportation costs, up to the amount of \$30,000 annually for FY23. When transportation is provided by the school district, BCS will bill BCHHS for their share of transportation costs, up to the amount of \$30,000 annually for FY23.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #22-09-12



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: September 20, 2022

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

NOW THEREFORE,

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

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

ADOPTED this 20th day of September, 2022

Requesting Department: Health and Human Services
Budget Amendment Item: Every Student Succeeds Act (ESSA) Transportation Contract

Description: Every Student Succeeds Act (ESSA) requires that Buncombe County Health and Human Services and Buncombe County Schools work in partnership to ensure that a child in foster care needing transportation to placements outside of their home districts receives such transportation for the duration of time in foster care. BCHHS currently provides transportation; however, due to challenges with identifying a cost-effective vendor in FY23, BCS and BCHHS have agreed to establish a memorandum of understanding for providing transportation: When transportation is provided by BCHHS or the County funded contracted transportation vendor, the County will bill BCS for their share of transportation costs, up to the amount of \$30,000 annually for FY23. When transportation is provided by the school district, BCS will bill BCHHS for their share of transportation costs, up to the amount of \$30,000 annually for FY23.

Funding Source: Revenue billing received from Buncombe County School District

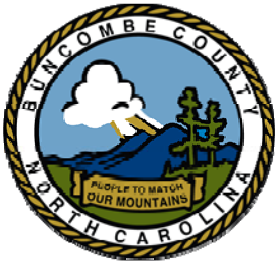
Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 100 - Division of Social Services - Restricted Intergovernmental	\$ 30,000	
Fund 100 - Division of Social Services - Expenditures		\$ 30,000
TOTAL	\$ 30,000	\$ 30,000

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: September 20, 2022

Consent Agenda

Department: Health and Human Services

Presenter(s): John Hudson, Budget

Contact(s): Stoney Blevins, Health and Human Services Director
Rebecca Smith, Social Work Division Director

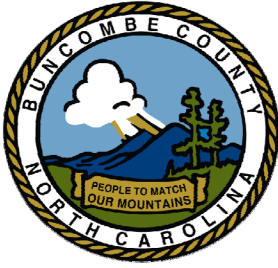
Subject: Vaya ARPA Child and Family Grant - FY23 Additional Funds

Brief Summary: Vaya Health was awarded funds from the American Rescue Plan and will distribute an additional \$10,000 to the Division of Social Services to be spent between August 1, 2022 to September 30, 2022. Funds will be used to support families in caring for children who are at risk of entering or who have entered the foster care system. The distribution of these funds are to be focused around Social Determinants of Health to support kinship and temporary safety provider placements with meeting basic needs such as utilities, shelter, clothing, and bedding. No County match is required. HHS has a spending plan to use the additional funds before the September 30th deadline. The additional \$10,000 will bring the FY23 total award to \$30,000.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #22-09-13



BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: September 20, 2022

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

NOW THEREFORE,

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

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

ADOPTED this 20th day of September, 2022

Granting Agency:	Vaya Health
Grant Name:	VAYA ARPA Child and Family - FY23

Description: Vaya Health was awarded funds from the American Rescue Plan and will distribute an additional \$10,000 to the Division of Social Services to be spent between August 1, 2022 to September 30, 2022. Funds will be used to support families in caring for children who are at risk of entering or who have entered the foster care system. The distribution of these funds are to be focused around Social Determinants of Health to support kinship and temporary safety provider placements with meeting basic needs such as utilities, shelter, clothing, and bedding. No County match is required. HHS has a spending plan to use the additional funds before the September 30th deadline. The additional \$10,000 will bring the FY23 total award to \$30,000.

Funding Source: American Rescue Plan funding passed through Vaya Health

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Grant Revenue	\$ 10,000	
Expenditures		\$ 10,000
TOTAL	\$ 10,000	\$ 10,000

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: 9/20/2022

Presentations

Department: Equity & Human Rights

Presenters: Hector Salgado, Paulina Mendez, Lina Herrera Hernandez, Aaron Vidaurri, Rachel Edens

Contacts: Rachel Edens

Subject: Hispanic and Latino Heritage Month Proclamation

Brief Summary: Recognition of Hispanic & Latino Heritage in Buncombe County for Sept. 15 - Oct. 15, 2022.

County of Buncombe
Proclamation

Mes Nacional de la Herencia Hispana y Latina

CONSIDERANDO que el Mes Nacional de la Herencia Hispana y Latina celebra a la comunidad hispana y latina, y destaca sus innumerables logros; y

CONSIDERANDO que la observancia comenzó en 1968 como la Semana de la Herencia Hispana bajo la presidencia de Lyndon B. Johnson y fue promulgada ley federal el 17 de agosto de 1988, mediante la cual se llamaba a todos los ciudadanos de los Estados Unidos a conmemorar esta semana con ceremonias, actividades y programas; y

CONSIDERANDO que muchos estadounidenses de origen latino remontan sus raíces a las culturas de los pueblos indígenas de las Américas (como los arahuacos, los aztecas, los incas, los mayas y los taínos), mientras que algunos también a los exploradores españoles o a los africanos que fueron traídos como esclavos al Nuevo Mundo; y

CONSIDERANDO que el periodo entre el 15 de septiembre y el 15 de octubre se reconoce como el Mes Nacional de la Herencia Hispana y Latina, que es un momento para honrar las invaluable formas en que la comunidad hispana y latina contribuye a nuestras metas comunes, celebrar sus diversas culturas y trabajar por una sociedad más fuerte, más inclusiva y más próspera para todos; y

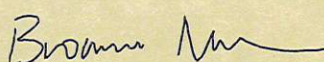
CONSIDERANDO que el tema de este año, "Unidos: Inclusividad para una nación más fuerte", refuerza la necesidad de garantizar que las diversas voces y perspectivas sean acogidas en los procesos de toma de decisiones, contribuyendo así a construir comunidades más fuertes y una nación más fuerte; y

CONSIDERANDO que los integrantes de la comunidad hispana y latina han actuado y siguen actuando como líderes de los derechos civiles, políticos, miembros del servicio militar, educadores, socorristas, pioneros de la ciencia, trabajadores migrantes y servidores públicos para nuestro país; y

CONSIDERANDO que la comunidad hispana ha enriquecido y formado nuestro carácter nacional con tradiciones centenarias que reflejan las costumbres multiétnicas y multiculturales de sus comunidades, a la vez que añaden sus propias perspectivas singulares y dinámicas a la historia de nuestro país; y

CONSIDERANDO que los estadounidenses de origen hispano y latino representan un grupo demográfico importante y de rápido crecimiento en el condado de Buncombe, honramos las invaluable formas en que contribuyen a nuestra gran comunidad; y

AHORA, POR LO TANTO, proclámese del 15 de septiembre al 15 de octubre de 2022 el Mes Nacional de la Herencia Hispana y Latina en el condado de Buncombe e invítese a nuestra comunidad a unirse a nosotros para celebrar las grandes contribuciones de los estadounidenses de origen hispano y latino a nuestro condado, estado y nación.



Brownie Newman
Presidente, Junta de Comisionados del Condado de Buncombe

County of Buncombe
Proclamation

National Hispanic and Latino Heritage Month

WHEREAS, National Hispanic and Latino Heritage Month celebrates the Hispanic and Latino community and highlights its countless achievements; and

WHEREAS, the observation began in 1968 as Hispanics Heritage Week under President Lyndon B. Johnson, and was enacted into federal law on August 17, 1988, calling upon all the people of the United States to observe this time with ceremonies, activities, and programs; and

WHEREAS, many Latino Americans trace their roots to the cultures of the indigenous peoples of the Americas including the Arawaks, the Aztecs, the Incas, the Maya, and the Tainos, some trace their roots to the Spanish explorers, or to the Africans who were brought as slaves to the New World; and

WHEREAS, September 15 - October 15 is recognized as National Hispanic Heritage Month, which is a time to honor the invaluable ways Hispanics and Latinos contribute to our common goals, celebrate their diverse cultures, and to work towards a stronger, more inclusive, and more prosperous society for all; and

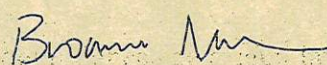
WHEREAS, this year's theme, "Unidos: Inclusivity for a Stronger Nation" reinforces the need to ensure diverse voices and perspectives are welcomed in decision-making processes, thereby helping to build stronger communities and a stronger nation; and

WHEREAS, Hispanics and Latinos have and continue to serve as Civil Rights leaders, politicians, military service members, educators, first responders, science pioneers, migrant workers, and public servants for our country; and

WHEREAS, Hispanics have enhanced and shaped our national character with centuries-old traditions that reflect the multi-ethnic and multicultural customs of their communities, while adding their own distinct and dynamic perspectives to the story of our country; and

WHEREAS, Hispanic and Latino Americans represent a significant and fast-growing demographic of the Buncombe County, we honor the invaluable ways they contribute to our great community; and

NOW, THEREFORE that let it be proclaimed September 15 - October 15, 2022 as National Hispanic and Latino Heritage Month in the Buncombe County and encourage our community to join us in celebrating the great contributions of Hispanic and Latino Americans to our county, state, and nation.



Brownie Newman
Chairman, Buncombe County Board of Commissioners



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

Presentations

Department: Emergency Services

**Presenter(s): Richard Trumper,
Dana Phillips**

Contact(s): Angie Ledford

Subject: NC Office of State Budget and Management to present on TS Fred Disaster Recovery Funds

Brief Summary: NC Office of State Budget would like to present an update to Commissioners on current status of TS Fred Disaster Recovery Program.

OSBM – Disaster Recovery Tropical Storm Fred



*Budget and
Management*

OSBM DR Tropical Storm Fred Recovery Program Overview

OSBM DR STATUS – as of September 12, 2022

Category	Original Amount	Payments to Date	Obligated	Balance	% Spent and Obligated
Home Reconstructions	\$20,000,000	\$2,500,795	\$4,467,600	\$13,031,605	35%
Private Roads and Bridges	\$15,000,000	\$6,423,653	\$8,576,347	\$0	100%
Additional Roads and Bridges	\$5,000,000	Recently Received	Recently Received	\$5,000,000	Under review
Short Term Housing	\$4,000,000	\$227,897	\$204,206	\$3,567,897	11%
Home Repairs	\$3,000,000	\$715,554	\$471,531	\$1,812,915	40%
Landlord Assistance	\$2,000,000	\$89,383	\$202,488	\$1,708,129	15%
Totals	\$49,000,000	\$9,957,282	\$13,922,172	\$25,120,546	49%



TS FRED APPLICATION STATUS:

- **Applications received** – as of September 9, we have received **710** applications for TS Fred assistance.
619 eligible application for assistance
- **Haywood, Yancey, Buncombe, and McDowell** Counties have the most applicants to date.
- **43% of all eligible projects have been completed**

County:	Housing Repair Underway	Bridges & Roads Underway	Complete	Totals
Haywood	76	71	108	255
Yancey	16	67	50	133
Buncombe	11	35	36	82
McDowell	3	26	38	67
Withdrawn	0	0	0	49
Ineligible	0	0	0	42
Madison	4	21	13	38
Transylvania	5	10	15	30
Mitchell	2	3	0	5
Henderson	0	3	1	4
Watauga	0	0	4	4
Avery	0	1	0	1
Rutherford	0	0	0	0
Totals	117	237	265	710

TROPICAL STORM FRED RECOVERY

Total of TS Fred Recovery Eligible Applications Received thru September 9, 2022

County:	Housing Repair	Bridges & Roads	Complete	Totals
All	117	237	265	619
Buncombe	11	35	36	82

TROPICAL STORM FRED RECOVERY CONTACTS

Email at: TSFred@nc.gov

Apply at: TSFred.nc.gov

Toll Free #: (844) 935-1744

Local #: (828) 526-6170 (Waynesville Office)



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

Presentations

Department: Board of Equalization & Review

Presenter(s): Debbie Lane, Chairperson

Contact(s): Keith Miller, Tax Assessor

Subject: Board of Equalization & Review

Brief Summary: Update Board of Commissioners on the Board of Equalization & Review.

Board of Equalization and Review

Update for Buncombe County Board of Commissioners



About Us

Members

Debbie Lane, Madam Chairperson

Miriam McKinney, Vice Chair

Phillip Price, Attorney

Michael Holgate

Mark Morris, Appraiser



Purpose

Special Board Appointed By The Board of Commissioners To Hear Appeals from County Residents Related to Property Assessment

The Board of Equalization and Review shall hear and decide all real and personal property appeals related to: appraised value, situs, taxability, discovery, present use value, and exemptions.



Activities

- Hear and decide any timely filed appeal
- Examine and review tax listings for the current year
- Assure any change is made under the provisions of the Statutes
- Notify taxpayers of any decisions rendered by the Board
- Assure taxpayer has received due process under the provisions of the Statutes



Dates and Accomplishments

2021 Session

The Board of Equalization and Review heard a total of 383 appeals

- 65 Business Personal Property Appeals
- 5 Exemption Appeals
- 191 Builder's Inventory Appeals
- 1 Commercial Appeal (Mission Hospital)
- 121 Residential Real Estate Appeals

2022 Session

The Board of Equalization and review currently has meetings scheduled beginning October 2022. The Board will continue to meet between October and December until all appeals are heard and decided.





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

Public Hearings

Department: Planning & Development, Community Development Division

Presenter(s): William High Contact(s): William High, Matthew Cable

Subject: FY 2024 Annual Section 5311 Administrative Grant Application

Brief Summary:

Buncombe County's Community Transportation System, Mountain Mobility, provides transportation to older adults, persons with disabilities, clients of human service agencies, members of the general public (outside of the City of Asheville), clients of Medicaid (under contract), and citizens of the City of Asheville eligible for ADA Complementary Paratransit (under contract).

Buncombe County is a designated applicant/recipient of state and federal transportation funds made available through North Carolina Department of Transportation (NCDOT). Designated applicants/recipients must possess the technical and financial capacity to: (1) apply for, administer, operate, and carry out transportation projects; and (2) comply with all applicable state and federal laws, regulations, and guidelines.

Section 5311 Administrative Grant funds help offset technology and communication costs of software and systems used for eligibility, reservations, scheduling, dispatching, data communications, etc., as well as operations facility costs, and other eligible administrative costs related to providing Mountain Mobility services and programs. The FY 2024 Section 5311 Administrative Grant Application budget is summarized below.

Section 5311 Administrative Grant		
Source	Percent	Funding
Federal Share	80%	\$327,439
State Share	5%	\$20,464
Local Share	15%	\$61,396
Total Expenditures	100%	\$409,299

The FY 2024 Section 5311 Administrative Grant Application requires a public hearing and authorizing resolutions. Notice of the public hearing were: (1) published in the Asheville Citizen-Times; (2) posted on the Buncombe County website; and (3) distributed to various organizations and groups with an interest in transportation services provided.

Recommended Motion & Requested Action:

The Board of Commissioners hold a public hearing and adopt the Resolution Authorizing the Chairperson to Execute an Application for FY 2024 Public Transportation Program Funding, Enter Into Agreement with the North Carolina Department of Transportation, and to Provide the Necessary Certifications and Grant Documents.

County Manager's Comments and Recommendation:

Hold a public hearing and adopt the authorizing resolution as recommended.

RESOLUTION NO. 22-09-14

**RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN APPLICATION FOR
FY 2024 PUBLIC TRANSPORTATION PROGRAM FUNDING,
ENTER INTO AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND TO PROVIDE THE NECESSARY ASSURANCES AND LOCAL MATCH**

- WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and
- WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and
- WHEREAS, the program funding may include funding from Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof; and
- WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and
- WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds; and
- WHEREAS, non-Community Transportation applicants may apply for funding for “purchase of service” projects under the Section 5310 program (required to be stated in this resolution but not applicable to Buncombe County/Mountain Mobility);
- WHEREAS, Buncombe County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333(b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.; and
- WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project.

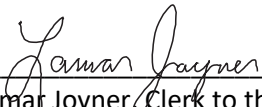
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the Chairperson of the Buncombe County Board of Commissioners is hereby authorized to submit grant application(s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications, and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.
2. That this Resolution is effective upon its adoption.

Adopted this 20th day of September, 2022.

ATTEST:

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE



Lamar Joyner, Clerk to the Board

By: 

Brownie Newman, Chairperson

APPROVED AS TO FORM:



County Attorney

Certifying Official's Statement

I, Lamar Joyner, Clerk to the Board, do hereby certify that a motion was made by _____ and seconded by _____ for the adoption of the attached Resolution, and upon being put to a vote was duly adopted at a meeting duly held by the Buncombe County Board of Commissioners on November 17, 2020. I further certify that the attached Resolution is a true and correct copy of the Resolution adopted.

(COUNTY SEAL)

(Signature of Certifying Official)

Buncombe County Board of Commissioners
(Name of Local Governing Board)

Subscribed and sworn to me this _____ day of _____, 20__.

Notary Public Signature

(NOTARY SEAL)

Printed Name

Address

Commission Expires

****Note that the official authorized to submit the grant application,
the certifying official, and the notary public
must be three (3) separate individuals.***



FY24 SECTION 5311 ADMIN GRANT APPLICATION

Presented by

William High

Community Development Division



FY24 5311 ADMIN GRANT FUNDING SUMMARY

\$327,469 Federal Funds

\$20,464 State Funds

\$61,396 Local Match

\$409,299 Total



GRANT AND LOCAL FUND PURPOSES

Administration Support

- Management Contracts, Data Processing, Utilities, Lease of Office Space



REQUEST FOR BOARD ACTION

- Hold a public hearing
- Adopt the Resolution Authorizing the Chairperson to Execute an Application for FY 2024 Section 5311 Public Transportation Program Funding, Enter Into Agreement with the North Carolina Department of Transportation, and to Provide the Necessary Certifications and Grant Documents.





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

Public Hearings

Department: Planning

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

Subject: Community Development Block Grant Neighborhood Revitalization

Brief Summary: Requested is the second of two public hearings required as part of the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program application. The first public hearing was held August 16, 2022 requesting approval of the updated Citizen Participation Plan. The second hearing is requested to discuss the submittal of an application in response to the State CDBG-NR notice of funding and to solicit input.

Community Development Block Grant (CDBG) funds are awarded to the State by the US Department of Housing and Urban Development (HUD). A portion of the CDBG funds are awarded through the CDBG-NR Program. CDBG-NR grants of up to \$950,000 are available to non-entitlement local governments.

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

Recommended Motion & Requested Action:

1. Hold the public hearing; and
2. Consider the Resolution Approving Submittal of CDBG-NR Application

County Manager's comments and Recommendation: Recommend approval

RESOLUTION #22-09-15

RESOLUTION APPROVING SUBMITTAL OF CDBG-NR APPLICATION

- WHEREAS, the Buncombe County Board of Commissioners has previously indicated its desire to assist in community development efforts for housing within Buncombe County; and
- WHEREAS, the Board of Commissioners held two public hearings concerning the proposed application for Community Development Block Grant Neighborhood Revitalization Program funding; and
- WHEREAS, the Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant funding to benefit low- and moderate-income households of Buncombe County requesting assistance with housing rehabilitation which includes emergency repairs, rehabilitation, relocation, clearance remediation, substantial rehabilitation, reconstruction, and replacement; and
- WHEREAS, the County has prepared an application for a \$400,000 grant for the following eligible activities: (1) Housing Rehabilitation Activities – Including rehabilitation, clearance/remediation, relocation, substantial rehabilitation, reconstruction, replacement housing, and emergency repairs, available to owner occupied units designated as real property: \$360,000; and (2) General Administration: \$40,000;
- WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Neighborhood Revitalization Program,

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

1. That the Chairman and County Manager, or either of them, are hereby authorized, empowered and directed to execute and submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant Neighborhood Revitalization Program Grant for the purposes set forth above and as committed to in the application, and to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to effect the transactions contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.
2. That all acts and doings of officers, employees, and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be,

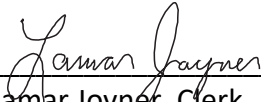
and the same hereby are, in all respects ratified, approved, and confirmed.

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

This the 20th day of September 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman

Approved as to form:



County Attorney



CDBG-NEIGHBORHOOD REVITALIZATION

Presented by

Nancy Williams

Planning & Development Department
Community Development Division

September 20, 2022



COMMUNITY DEVELOPMENT BLOCK GRANT - NEIGHBORHOOD REVITALIZATION

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

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



APPLICATION PROCESS

Completed Activities:

- ✓ Held initial required public hearing August 16
- ✓ Approved updated “Citizen Participation Plan” August 16
- ✓ Requested public input regarding what activities to apply for
- ✓ Drafted application

Actions Tonight:

- Hold second required public hearing to receive input on the application for home rehabilitation program
- Adopt resolution authorizing application



PROPOSED ACTIVITY: HOUSING REHABILITATION

Repair or replacement work (up to \$30K) focused on low-income homeowners. Homes must be brought up to HUD and REDD standards and comply with lead-based paint requirements.

Rehabilitation is more extensive than traditional emergency repair work and can extend to substantial rehabilitation up to full home replacement.



FUNDING & ELIGIBILITY

- **Project Period** = 30 Months
- **Eligible Use Area** = Outside the City of Asheville
- **Application** = Competitive
- **Application Deadline** = September 30, 2022
- **Proposed Budget** = \$400,000
 - Housing Rehabilitation = \$360,000
 - Grant Administration = \$40,000



REQUESTED BOARD ACTIONS

1. Hold the public hearing
2. Adopt the Resolution Approving Submittal of CDBG-NR Application





Buncombe County Farmland Preservation

Presented by

Ariel Zijp & Avni Naik

Farmland Preservation Program
Agriculture & Land Resources Department



1.3 Million in Conservation Easement Grant Funds

- **\$1,100,000** in grant funds from NCDA&CS Agricultural Development and Farmland Preservation Trust Fund (ADFPTF) to protect working family farms
- **\$224,000** in grant funds from USDA NRCS Agricultural Conservation Easement Program (ACEP ALE) to protect a working family farm
- Second highest amount funded in the state!



What will these funds protect?

- 274 acres of pasture, crop, and forestland on four Century Family Farm properties in Newfound Community
- 40 acres of pasture, crop, and forestland on a Century Family Farm in Weaverville
- Totals:
 - Five Century Family Farms
 - 314 acres protected in priority conservation regions of Buncombe County



The Easement Process:

- These funds were awarded to five specific projects that were eligible for these programs
- Grant funding makes it possible to compensate farmers and landowners who can't afford to fully donate their development rights
- They are only receiving partial compensation for what they are giving up, they are still donating a significant amount of value
- Process can take 1-4 years from start to finish





Buncombe Farmland Preservation Team

Ariel Zijp, Farmland Preservation Manager

Ariel.Zijp@buncombecounty.org

828-250-4794





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/20/2022

New Business

Department: Legal & Risk

Presenter(s): Michael Frue / Brandon Freeman

Contact(s): Michael Frue / Brandon Freeman

Subject: Resolution Granting Utility and Temporary Construction Easements to Public Service Company of North Carolina d/b/a Dominion Energy ("Dominion").

Brief Summary: Dominion is requesting a permanent easement to relocate and maintain a replacement underground gas pipeline, and a temporary easement for the installation of the same, on certain County properties located on Old US Highway 70 and adjacent to the Swannanoa River as depicted in the attached survey.

The replacement underground gas pipeline will take the place of a currently existing line in need of repair, relocating the same more than forty (40) feet beneath the river. The County owns these properties by reason of the FEMA State Hazard Mitigation Grant Program and the properties are not developable due to deed restrictions. The County has no other use for the property.

Pursuant to N.C. Gen. Stat. § 160A-273, applicable to counties via N.C. Gen. Stat. §153A-176, counties are authorized to grant easements over, through, under, or across any county property. In consideration of the easements, Dominion has agreed to pay the County a total of \$80,000.

Recommended Motion & Requested Action: Approve the Resolution Granting Utility and Temporary Construction Easements to Public Service Company of North Carolina d/b/a Dominion Energy.

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

RESOLUTION # 22-09-16

Resolution Granting Utility and Temporary Construction Easements to
Public Service Company of North Carolina d/b/a Dominion Energy ("Dominion")

WHEREAS, Dominion is requesting a permanent easement to relocate and maintain a replacement underground gas pipeline, and a temporary easement for the installation of the same, on certain County properties located on Old US Highway 70 and adjacent to the Swannanoa River as depicted in the survey attached hereto as "Exhibit A," which is incorporated herein by reference for a more particular description of the properties and the easements; and

WHEREAS, the replacement underground gas pipeline will take the place of a currently existing line in need of repair, relocating the same more than forty (40) feet beneath the river; and

WHEREAS, The County owns these properties by reason of the FEMA State Hazard Mitigation Grant Program, the properties are not developable due to deed restrictions, and the County has no other use for the property; and

WHEREAS, in consideration of the easements, Dominion has agreed to pay the County a total of \$80,000; and

WHEREAS, Pursuant to N.C. Gen. Stat. § 160A-273, applicable to counties via N.C. Gen. Stat. §153A-176, counties are authorized to grant easements over, through, under, or across any county property.

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

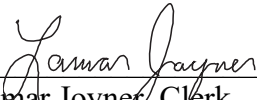
1. That it hereby authorizes the execution of an agreement consistent with this Resolution granting utility and temporary construction easements to public service company of North Carolina d/b/a Dominion Energy, including the "Utility and Temporary Construction Easements" agreement attached hereto as Exhibit B.
2. That the Chair, Vice Chair, and County Manager, or any of them, or their designee, acting individually or collectively, are hereby authorized, empowered and directed to take all actions necessary or appropriate in the judgment of such officers to accomplish the purposes and intents of this Resolution, including the execution and delivery of an agreement, including the "Utility and Temporary Construction Easements" agreement attached hereto as Exhibit B, and all other documents, agreements, instruments, and/or certificates contemplated and/or made necessary by the grant of easements contemplated herein.

3. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and 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.
4. That this resolution shall become effective upon its adoption.

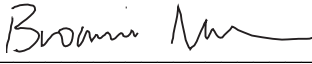
This the 20th of September, 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

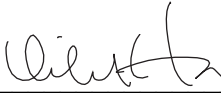


Lamar Joyner, Clerk

By: 

Brownie Newman, Chair

APPROVED AS TO FORM



County Attorney

EXHIBIT A

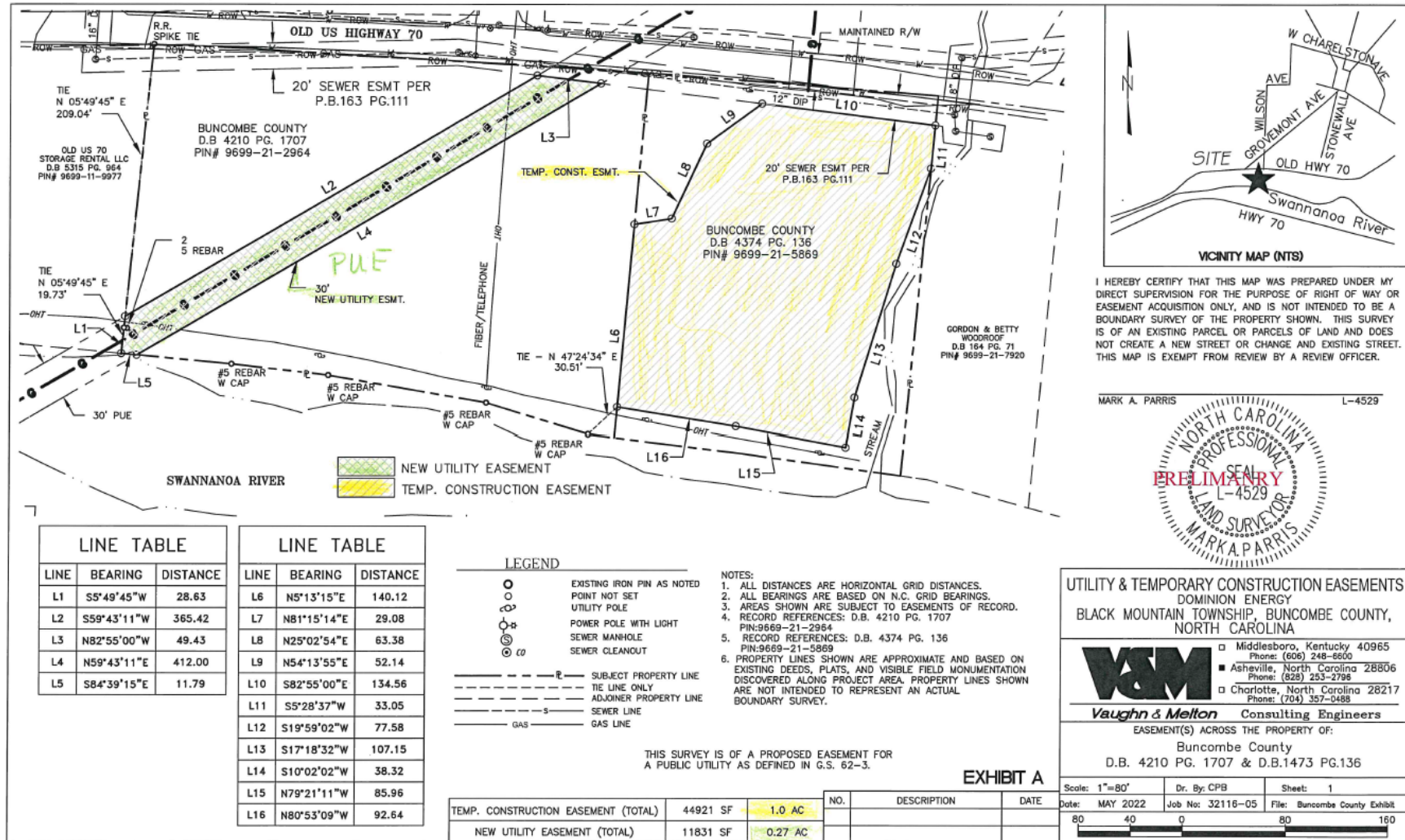


EXHIBIT B

UTILITY AND TEMPORARY CONSTRUCTION EASEMENTS

PREPARED BY: Jane Foy Painter, Mullen Holland & Cooper P.A., Attorneys at Law
RETURN TO: Dominion Energy North Carolina
(Attn: Mike Lewis, Engineering Department)
800 Gaston Road
Gastonia, North Carolina 28056

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

Project No. 0071195

Know all men by these presents that for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to **Buncombe County, a body politic and corporate of the State of North Carolina** (hereinafter designated "Grantor"), the receipt of which is hereby acknowledged, the Grantor hereby bargains, sells, and conveys unto **Public Service Company of North Carolina, Incorporated**, a South Carolina corporation, dba Dominion Energy North Carolina (hereinafter designated "Grantee"), and its successors and assigns, a perpetual and exclusive, except as otherwise provided herein, utility easement for the purpose of installing, laying, constructing, maintaining, operating, repairing, altering, replacing, and removing gas pipeline equipment for the transportation and control of natural gas under, through and across lands of Grantor situate in Buncombe County, North Carolina as described in those deeds recorded in Book 4210 at Page 1707 and Book 4389 at Page 1907 in the Buncombe County Registry, together with the rights of ingress and egress over and across the easement and the remaining lands of the Grantor for the purpose of obtaining access to and from the easement. The easement shall be located and described as shown on the survey titled "UTILITY & TEMPORARY CONSTRUCTION EASEMENTS, DOMINION ENERGY, BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA – EASEMENT(S) ACROSS THE PROPERTY OF BUNCOMBE COUNTY, D.B. 4210 PG. 1707 & D.B. 4374 PG 1066" dated June 2022 and designated thereon as "NEW UTILITY ESMT.," a copy of which is attached hereto as "EXHIBIT A" and incorporated herein by reference.

This utility easement includes multiple line rights and includes the perpetual right to lay, construct, maintain, operate, alter, repair, replace and remove, at any time and from time to time, one or more additional lines of pipe within the easement without the payment of any additional compensation to Grantor, its successors, and/or assigns.

Together with a Temporary Construction Easement also located and described as shown on Exhibit "A" and designated as "TEMP. CONST. ESMT."

The temporary construction easement may be used by the Grantee, its employees, representatives, agents and contractors in connection with the initial construction of the gas pipeline and the subsequent maintenance of the same during the construction period and also to park equipment and store materials during the construction period. Grantee agrees that the consideration paid hereunder includes payment for any and all damage of whatsoever nature done or to be done to any structure or to trees, crops, or other vegetation within the boundaries of this temporary construction easement in connection with the construction of the gas pipeline or lines, and the parking of equipment and storage of materials.

The Grantee shall have the right to assign these easements in whole or part at any time.

The Grantee shall have the right to remove all trees, undergrowth, and other obstructions which may be located within the utility easement that may injure, endanger, or interfere with the construction, operation, maintenance, and repair of said utility pipeline(s). Grantee shall at all time abide by the Deed Restrictions as same are set forth and described in Book 4210 at Page 1707 and Book 4389 at Page 1907 in said registry.

The Grantor may make full use and enjoyment of the lands and premises included within the easements herein granted in any manner not inconsistent with the use and purpose of said land by the Grantee; provided, however, that the Grantor, its successors, and assigns, shall not construct nor permit to be constructed any house or other permanent structure, nor plant trees or large shrubs, nor allow to be placed or installed any other obstruction, temporary or permanent, that could damage the pipelines or interfere with operation, maintenance or repair of the pipelines by the Grantee, including, but not limited to the accumulation of garbage, rubble, disabled vehicles, tires, or debris of any kind, nor impound nor permit to be impounded any water, on or over the entire areas specifically covered by these easements. The Grantor, its successors, and assigns, may build roads, streets or utilities which cross the pipelines located on the utility easement, but may not construct within and along said pipeline easement any such utilities which run parallel therewith. Fences may be installed by the Grantor crossing the easements, but only after obtaining advance written approval of the Grantee, and such fences must meet specifications of the Grantee for type and must provide accessibility to the easements suitable to Grantee. The Grantor, for itself, its successors, and assigns, further agrees not to build road, street or utility crossings, or fence crossings, or to change the grade within the easements in any manner which will reduce or increase the cover over the pipelines or within the easements, unless approved in writing in advance by Grantee. Grantor shall notify Grantee in writing at least 30 days prior to any construction or maintenance activity within the areas specifically covered by these easements to obtain such approval and to allow Grantee's representative to be present during such activity. Pipeline markers shall not be relocated or removed from the easements.

To have and to hold said utility and temporary construction easements unto the Grantee, its successors, and assigns, in title forever and the undersigned hereby binds itself, its successors, and assigns to warrant and forever defend all and singular said premises unto the Grantee, its successors, and assigns, against the claims of all persons whomsoever.

It is understood and acknowledged by the undersigned that the person securing this grant is without authority to make any agreement with regard to the subject matter hereof which is not expressed herein, and that no such agreement will be binding on the Grantee.

IN WITNESS WHEREOF this instrument is signed and sealed this _____ day of _____ 2022.

BUNCOMBE COUNTY

By: _____ (SEAL)
Brownie Newman, Chairman

Attest:

Lamar Joyner, Clerk

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, do hereby certify that Lamar Joyner personally came before me this day and acknowledged that he is the duly appointed Clerk to the Buncombe County Board of Commissioners, and that by authority duly given and as the act of the body politic the foregoing instrument was signed in its name by its said Board Chair, sealed with its corporate seal and attested by himself as Clerk.

I certify that the Signatory personally appeared before me this day, and

(check one of the following)

_____ (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)

____ 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 document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this _____ day of _____, 2022.

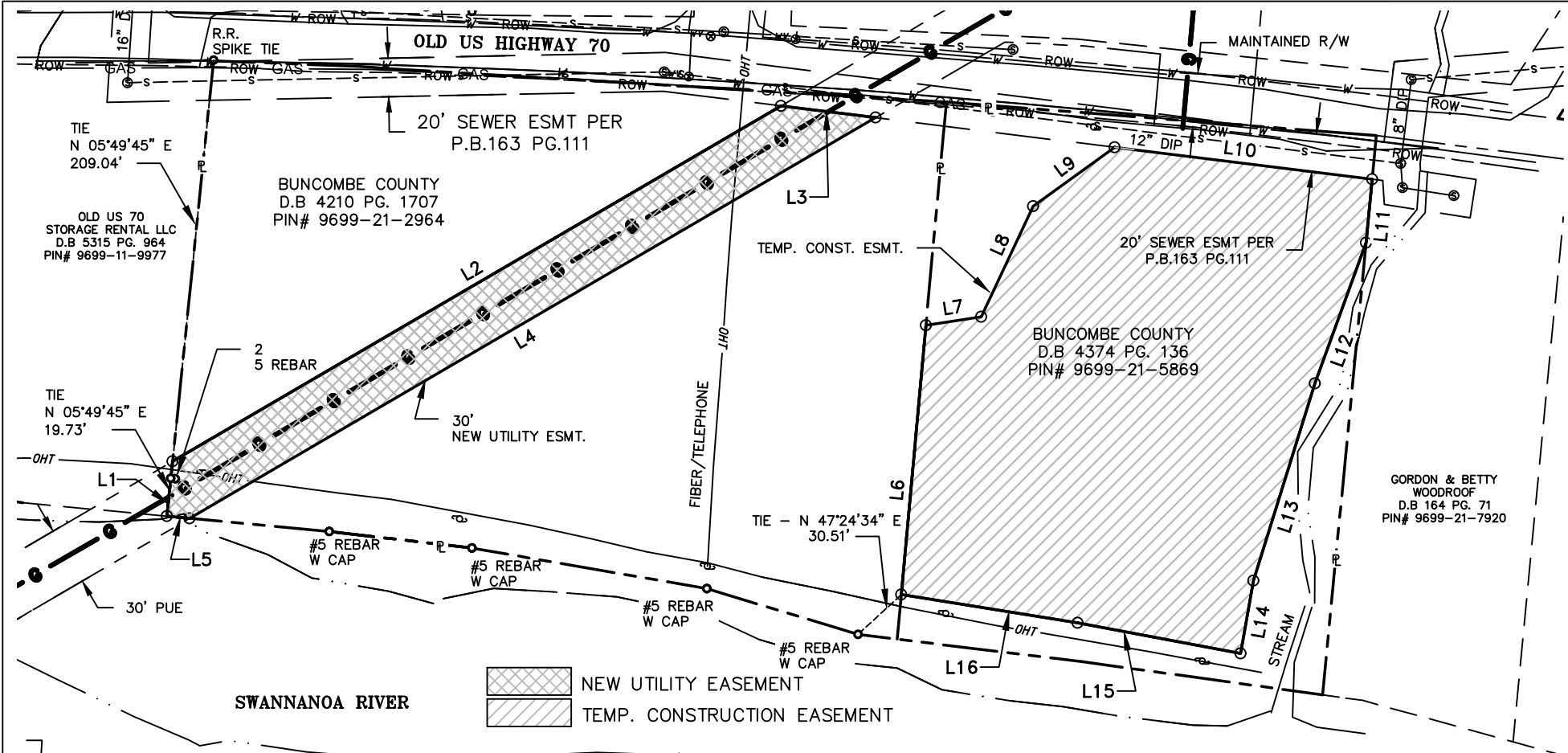
Notary Public

Print Name: _____

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

My Commission Expires: _____

 [NOTARY SEAL] **(MUST BE FULLY LEGIBLE)**



I HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION FOR THE PURPOSE OF RIGHT OF WAY OR EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. THIS MAP IS EXEMPT FROM REVIEW BY A REVIEW OFFICER.

MARK A. PARRIS

L-4529



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S5°49'45"W	28.63
L2	S59°43'11"W	365.42
L3	N82°55'00"W	49.43
L4	N59°43'11"E	412.00
L5	S84°39'15"E	11.79

LINE TABLE		
LINE	BEARING	DISTANCE
L6	N5°13'15"E	140.12
L7	N81°15'14"E	29.08
L8	N25°02'54"E	63.38
L9	N54°13'55"E	52.14
L10	S82°55'00"E	134.56
L11	S5°28'37"W	33.05
L12	S19°59'02"W	77.58
L13	S17°18'32"W	107.15
L14	S10°02'02"W	38.32
L15	N79°21'11"W	85.96
L16	N80°53'09"W	92.64

LEGEND	
	EXISTING IRON PIN AS NOTED
	POINT NOT SET
	UTILITY POLE
	POWER POLE WITH LIGHT
	SEWER MANHOLE
	SEWER CLEANOUT
	SUBJECT PROPERTY LINE
	TIE LINE ONLY
	ADJOINER PROPERTY LINE
	SEWER LINE
	GAS LINE

- NOTES:
1. ALL DISTANCES ARE HORIZONTAL GRID DISTANCES.
 2. ALL BEARINGS ARE BASED ON N.C. GRID BEARINGS.
 3. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
 4. RECORD REFERENCES: D.B. 4210 PG. 1707 PIN:9669-21-2964
 5. RECORD REFERENCES: D.B. 4374 PG. 136 PIN:9669-21-5869
 6. PROPERTY LINES SHOWN ARE APPROXIMATE AND BASED ON EXISTING DEEDS, PLATS, AND VISIBLE FIELD MONUMENTATION DISCOVERED ALONG PROJECT AREA. PROPERTY LINES SHOWN ARE NOT INTENDED TO REPRESENT AN ACTUAL BOUNDARY SURVEY.

THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.

EXHIBIT A

TEMP. CONSTRUCTION EASEMENT (TOTAL)	44921 SF	1.0 AC	NO.	DESCRIPTION	DATE
NEW UTILITY EASEMENT (TOTAL)	11831 SF	0.27 AC			

UTILITY & TEMPORARY CONSTRUCTION EASEMENTS
DOMINION ENERGY
BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY,
NORTH CAROLINA



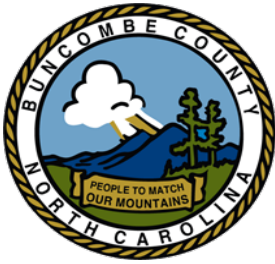
- Middlesboro, Kentucky 40965 Phone: (606) 248-6600
- Asheville, North Carolina 28806 Phone: (828) 253-2796
- Charlotte, North Carolina 28217 Phone: (704) 357-0488

Vaughn & Melton Consulting Engineers

EASEMENT(S) ACROSS THE PROPERTY OF:

Buncombe County
D.B. 4210 PG. 1707 & D.B.1473 PG.136

Scale: 1"=80'	Dr. By: CPB	Sheet: 1
Date: MAY 2022	Job No: 32116-05	File: Buncombe County Exhibit



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 20, 2022

New Business

Department:

Budget

Presenter(s):

John Hudson, Budget Director

Contact(s): Tina Thorpe, Buncombe County Schools
John Hudson, Budget

Subject: State Lottery Project Award - BCS - Security Hardware Upfits - Multiple Schools

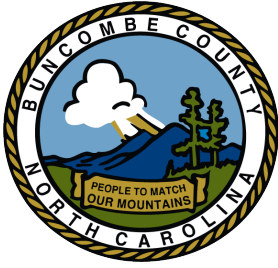
Brief Summary: This project for Buncombe County Schools has been awarded for NC Education Lottery dollars in the amount of \$1,700,000 by the State of North Carolina. The funds will be for security hardware upfits at perimeter check with doors at multiple schools.

The application was approved by the Board of Commissioners at their July 19th meeting.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #22-09-17



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

BOARD MEETING DATE: September 20, 2022

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

NOW THEREFORE,

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

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

ADOPTED this 20th day of September, 2022

Project Name:	State Lottery Project - BCS - Security Hardware Upfit - Multiple Schools
----------------------	--

Description:

This project for Buncombe County Schools has been awarded for NC Education Lottery dollars in the amount of \$1,700,000 by the State of North Carolina. The funds will be for security hardware upfits at perimeter check with doors at multiple schools.

The application was approved by the Board of Commissioners at their July 19th meeting.

Funding Source:

NC Education Lottery Funding - Public School Building Capital Fund

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 335 - Restricted Intergovernmental	\$ 1,700,000	
Fund 335 - BCS - Security Hardware Upfit - Multiple Schools		\$ 1,700,000
TOTAL	\$ 1,700,000	\$ 1,700,000

ATTEST:

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


Clerk to the Board

By: 
Chairman of the Board



NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*
www.dpi.nc.gov

August 29, 2022

MEMORANDUM

Page 1

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

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

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

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

	<u>Project Title</u>	<u>ADM Fund</u>	<u>Lottery Fund</u>	<u>Needs Based Lottery Fund</u>	<u>RR Lottery Fund</u>
1.	Security hardware upfit - supplement - multiple schools	\$0.00	\$1,700,000.00	\$0.00	\$0.00
	Total this month:	<u>\$0.00</u>	<u>\$1,700,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

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

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

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