

NOTICE OF PUBLIC HEARING

On April 1, 2015, the County of Buncombe, North Carolina (the “County”) executed and delivered an Installment Financing Contract (the “2015 Contract”) in order to (1) pay the capital costs of certain County and school improvements as described therein (collectively, the “2015 Project”), including the construction of (a) an addition to the County’s Health & Human Services Campus, including a parking deck adjacent to the addition (the “HHS Facilities”) and (b) the Enka Intermediate School located in Candler, North Carolina (the “Enka Intermediate School”) and (2) refinance a portion of the County’s installment payment obligations under Prior Contracts (as described therein) and certain of the County’s general obligation bonds and, as security for the 2015 Contract, provided a security interest in the sites of the HHS Facilities and the Enka Intermediate School through a Deed of Trust, Security Agreement and Fixture Filing dated as of April 1, 2015 (the “2015 Deed of Trust”) from the County to the deed of trust trustee named therein.

On March 15, 2018, the County executed and delivered Amendment Number One to the 2015 Contract (the “First Amendment”), in order to pay the capital costs of certain school improvements (the “2018 Project”), including improvements to Asheville High School and Montford North Star Academy and, in connection therewith, the County extended the security interest created by the 2015 Deed of Trust to the sites on which Asheville High School and Montford North Star Academy are located pursuant to a Notice of Extension to Additional Property dated as of March 15, 2018 (the “First Notice of Extension” and together with the 2015 Deed of Trust, the “Deed of Trust”).

At its April 2, 2024 meeting, the Board of Commissioners (the “Board”) of the County will consider a resolution which will authorize the County to proceed to (1) finance the capital costs of the acquisition, construction and equipping of improvements to (a) various school facilities located in the Buncombe County School District (the “County School District”), including but not limited to, improvements to WD Williams Elementary School, Avery’s Creek Elementary School, Reynolds High School, Oakley Elementary School, North Buncombe Middle School, T.C. Roberson High School and other County School District schools; (b) various school facilities located in the Asheville City School District (the “City School District” and together with the County School District, the “School Districts”), including but not limited to, improvements to Herring Elementary School, Asheville High School, Montford North Star Academy and other City School District schools; (c) various miscellaneous projects in both School Districts and (d) various County facility improvements including solar panel installation, EMS East Base construction, fleet and general services complex upgrades and County vehicle purchases (collectively, the “2024 Projects” and together with the 2015 Project and the 2018 Project, the “Projects”) and (2) pay any costs of issuance related thereto, all pursuant to Amendment Number Two to the 2015 Contract to be dated on or about May 1, 2024 (the “Second Amendment” and, together with the 2015 Contract and the First Amendment, the “Contract”), in a principal amount not to exceed \$81,500,000 under which the County will make certain installment payments in order to make the 2024 Projects available to the County.

In connection with the execution and delivery of the Second Amendment, the County will enter into a second notice of extension on the existing Deed of Trust (the “Second Notice of Extension”) granting a security interest in T.C. Roberson High School and North Buncombe Middle School and the improvements thereon, to further secure the County’s obligations under the Contract.

As provided in the Deed of Trust, the HHS Facilities, Asheville High School, and Montford North Star Academy are currently subject to the mortgage provided therein (together with T.C. Roberson High School and North Buncombe Middle School, the “Mortgaged Property”). Enka Intermediate School was previously released from the Deed of Trust on May 17, 2023 pursuant to a Deed of Partial Release on file with the County’s Register of Deeds. The County intends to release the HHS Facilities from the Deed of Trust in advance of the execution and delivery of the Second Amendment.

The HHS Facilities are located at 40 Coxe Ave., Asheville, North Carolina 28801. Asheville High School is located at 419 McDowell St., Asheville, North Carolina 28803. Montford North Star Academy is located at 90 Montford Ave., Asheville, North Carolina 28801. T.C. Roberson High School is located at 250 Overlook Rd., Asheville, North Carolina 28803. North Buncombe Middle School is located at 51 N Buncombe School Rd., Weaverville, NC 28787.

The Contract and the Deed of Trust permit the County to enter into amendments to finance additional Projects using the Mortgaged Property as collateral and the County may or may not grant additional collateral in connection with such amendments. On payment by the County of all installment payments due under the Contract including any future amendments to finance or refinance Projects, the Deed of Trust and any lien created thereunder will terminate and the County's title to the Mortgaged Property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on April 2, 2024 at 5:00 p.m. in the Commission Chambers, 200 College Street, Room 326, Asheville, North Carolina, a public hearing will be conducted concerning the Second Amendment, the proposed 2024 Projects, the Second Notice of Extension and any other transactions contemplated therein and associated therewith. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Second Amendment, the projects to be financed thereby and the Second Notice of Extension.

/s/ Stacey K. Woody
Interim Clerk to the Board of Commissioners
County of Buncombe, North Carolina

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