

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS’
BRIEFING MEETING OF FEBRUARY 4, 2025, AT 5:00 p.m.**

BE IT REMEMBERED: That the Board of Commissioners met to hold a Briefing Meeting on February 4, 2025, in the Commission Chamber at 200 College Street in downtown Asheville, North Carolina at 3:00 p.m.

Present: Chair Amanda Edwards; Vice-Chair Martin Moore; Commissioner Terri Wells; Commissioner Al Whitesides; Commissioner Parker Sloan; Commissioner Jennifer Horton; and Commissioner Drew Ball.

The following items were discussed:

1. Public Service Property Tax Refund Request

Curt Euler, interim County Attorney, provided background information regarding Delta Express and Carolina Transportation refund requests. He explained that their request is because their property was listed as business personal property vs. public-service and that Public-service property valuation is managed by the State and uses a different valuation methodology. The total request: \$216,719.40, which is the difference. He explained that the legal basis for Refund Request per § 105-381 is that a taxpayer's remedies include a valid defense shall include the following: a) tax imposed through clerical error; b) An illegal tax; c) A tax levied for an illegal purpose. He provided the background of the request as follows: in 2021: An audit resulted in a discovery of unreported assets by the companies • Staff added assets to companies’ listing forms as business personal property • Companies signed the listing forms • Companies did not appeal and paid their bills 2022-23: Listing forms did not reflect discovered assets again • Staff added assets to companies’ listing forms as business personal property • Companies signed the listing forms • Companies did not appeal and paid their bills 2024 : Staff asked NCDOR if the companies’ “rolling stock” assets should be listed as public-service. • NCDOR confirmed and created public-service discovery valuations for prior years. • Companies submitted their refund request for previously paid bills as related to those "rolling stock" assets. He explained that the burden is on the company to declare as a public service business, not the County’s. He noted that the Board will have this in front of them at the next regular meeting on February 18 for a vote.

2. Helene Update

Avril Pinder, County Manager introduced the following staff to provide updates regarding the ongoing recovery efforts. Bob with FEMA provided an update on FEMA Individual Assistance. He reported that the total assistance is currently \$107,650,481 and that 87,229 registrations have been made. He noted that the registration deadline has been extended to another month to March 8, 2025.

Board of Commissioners
Buncombe County
February 4, 2025
Meeting Minutes

Matt Cable provided an update on Housing/Transitional Sheltering Assistance. He reported that resident households in FEMA TSA have been up 61 since January 21 and now total 762. Of these, 585 are resident households in Buncombe County.

Bob Haynes, Permitting Director, provided an update on Permitting. He reported an increase in permitting due to Helene and highlighted that the department is prioritizing Helene destruction and that the timeline has not changed.

Dane Pederson, Solid Waste Director, provided an update on Debris. He reported that 814,900 cubic yards and 63,390 tons of soil have been removed from right away collection. He noted the 5 sites used for temporary debris management which have been reviewed and approved by the NC Department of Environmental Quality. The requirement is that the locations are brought back to previous conditions following the temporary use. For private property debris removal, 2,501 applications have been received. He also reported that waterway debris removal has also begun. Crews began removing waterway debris in Azalea Park, Buncombe County, North Carolina over the weekend using equipment with environmental protection in mind.

Rafael Baptista provided an update on the Hazard Mitigation Grant Program (HMGP). He reported that the program is focused on breaking the cycle of damage, reconstruction and repeated damages and that HMGP is competitive with \$1.5 billion to be allocated across North Carolina for Helene. The specific focus areas are: • Community-wide risk reduction projects • Improving resilience of key infrastructure and resource life-lines • Encouraging conservation of the floodplain • Increasing future mitigation planning.

Lane Davis, David Fierro with Small Business Administration (SBA) provided an update on Small Business Assistance and an overview of the types of loans provided by SBA. Types of loans include: 1) Home Disaster Loans • Homeowners – may be eligible for up to \$500K to repair or replace real estate property and up to \$100K to repair or replace personal property, including automobiles; and 2) Economic Injury Disaster Loans (EIDL) - Businesses and Nonprofits – may be eligible for up to \$2 million for working capital for ongoing expenses which does not cover loss of income or profits. Lastly, Lillian Govus, Communications Director, provided an update on resources for recovery. She highlighted the four upcoming resources for recovery and noted that the following partners will be there to provide specific information: American Red Cross • Buncombe County Libraries • Buncombe County Parks • Buncombe County Permits • Buncombe County Planning • Emergency Watershed Protection Program • FCC Environmental • FEMA • NC Disaster Case Management • NC Emergency Management (Hazard Mitigation) • NC Medicaid and WIC. She also highlighted the Recovery Resource Guide which can be found on the Helene Recovery Website at buncombeready.org.

Following the presentation, Ryan Cole, with Emergency Management provided breaking news to the Board. He said that Buncombe County and other agencies are working with the Leicester Fire Department on a wildfire in the Leicester Community on Peepeye Cove Road. Two structures required protection; however, no additional structures are at risk at this time. The fire is currently at eight acres and is at approximately 20% containment. Firefighters are utilizing hand crews and heavy equipment to provide containment along with water drops from helicopters and air tankers.

Board of Commissioners
Buncombe County
February 4, 2025
Meeting Minutes

Following the breaking news, Commissioner Sloan requested that the Board review and consider a draft letter to the North Carolina General Assembly regarding the state-mandated school consolidation study at this afternoon's regular meeting. He explained that the intent of the letter is to be sent to the authors, and that it focuses on the Prismatic recommendations. The Board reviewed and discussed adding a paragraph about the achievement gap and student performance in the letter. The Board agreed to add the updated letter to the upcoming regular meeting.

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS’
REGULAR MEETING OF FEBRUARY 4, 2025, AT 5:00 p.m.**

BE IT REMEMBERED: That the Board of Commissioners met to hold a Regular Meeting on February 4, 2025, in the Commission Chamber at 200 College Street in downtown Asheville, North Carolina at 3:00 p.m.

Present: Chair Amanda Edwards; Vice-Chair Martin Moore; Commissioner Terri Wells; Commissioner Al Whitesides; Commissioner Parker Sloan; Commissioner Jennifer Horton; and Commissioner Drew Ball.

Chair Edwards opened the meeting and provided opening remarks.

Commissioner Sloan made a motion to add the Consolidation Study letter to NCGS that was discussed in the Briefing meeting to be added to the Consent Agenda. The motion was seconded and carried unanimously. Chair Edwards made the motion to approve the Consent agenda with the proposed addition. The motion was seconded by Commissioner Sloan and carried unanimously.

1. Approval of the January 21 combined Briefing and Regular meeting minutes
2. Approval of the December 2024 Tax Collection Report
3. Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens
4. Approval of Occupancy Tax Penalty Waiver for Douglas Brown
5. Resolution to approve the updated French Broad Metropolitan Memorandum of Understanding
6. Resolution Authorizing the Designation of Signature Authority for Section 5310 Funding Agreements
7. Budget Amendment to move the available Conservation Easement Fund to Conservation Easement Administration
8. Approval of the School Consolidation Study Letter to the NC General Assembly - **ADDED 2/4/25** following the Briefing meeting

PUBLIC COMMENT

David Nutter spoke about long-term active protection for floor mitigation regulations. He proposed that the County look at additional land use planning and design to fully address water management disaster planning for floor hazard areas in future years.

Peter Thourwarth spoke about truck breaking and noise and the damages as well as possible solutions.

Board of Commissioners
Buncombe County
February 4, 2025
Meeting Minutes

Josh Kelly with Mountain True spoke in support Hellbender Endangered listing resolution on agenda.

PRESENTATIONS

Melissa Moore, Finance Director provided the Fiscal Year 2025 quarter two update to the board. She reviewed the general fund budget to actual summary, solid waste fund-enterprise fund and county capital projects.

NEW BUSINESS

1. Resolution in Support of the Eastern Hellbender's Endangered Listing

Commissioner Sloan provided background. He explained that On December 12th, 2024, the U.S. Fish and Wildlife Service announced a proposal to list the eastern hellbender as an endangered species throughout its range under the Endangered Species Act. And as part of that process, the U.S. Fish and Wildlife Service will begin to accept public comments for a 60-day period as a part of that listing. Buncombe County has the duty to express its full and unwavering support for the endangered listing proposal for the eastern hellbender, so we can preserve this important species for future generations. The proposed resolution will be submitted to the U.S. Fish and Wildlife Service as a public comment and stance of North Carolina's 7th largest County & that is home to eastern hellbenders.

Commissioner Ball made the motion to approve. Commissioner Sloan 2nd the motion and it was carried unanimously.

2. Budget Amendment for NC Hurricane Disaster Recovery Fund Award for Public Health

John Hudson, Budget Director, provided background information. He explained that the state is disbursing Hurricane Helene Disaster Relief Fund in the amount of \$2,166,210 to help restore local health department essential functions and address the post-disaster needs of the local public health system during recovery to be used through 2030. Initially, funds will be used to ensure full-service delivery for school nursing and animal shelter operations this year while further guidance is sought for eligible uses.

Commissioner Wells made the motion to approve the budget amendment. The motion was seconded by Commissioner Horton and carried unanimously.

3. FTA Section 5307 Funding Recission – FY2026

William High, Transportation Manager, provided the background information. He explained that the Federal Transit Administration (FTA) requests subrecipients to spend expiring

Board of Commissioners
Buncombe County
February 4, 2025
Meeting Minutes

transit funds. Buncombe County, because of existing FTA CARES and ARPA funding that must be spent before regular annual funding, will be unable to spend expiring regular funds in advance of expiration. Recognizing these constraints, and in support of the City of Asheville's funding needs for its ART transit system, County transportation staff recommend the Board of Commissioners' consideration of rescinding funds to the City of Asheville to support its FY2026 transit activities. The following funding amounts in the following funding categories are recommended to be rescinded: \$782,544 in FY2020 Section 5307 annual allocations, and • \$81,794 in FY2020 Section 5307 JARC (Job Access Reverse Commute). County transportation staff recommend rescinding funds consistent with prior practice. The County has previously rescinded Section 5307 funds to support specific City of Asheville ART transit routes in the recent four (4) fiscal years with additional conditions applied in the last rescission.

Commissioner Wells made the motion to approve. The motion was seconded by Commissioner Moore and carried unanimously.

BOARD APPOINTMENTS

Commissioner Moore made the motion to reappoint both Don Johnson and Andy Bobowski to the Juvenile Crime Prevention Council. The motion was seconded by Commissioner Whitesides and carried unanimously.

Following the Board appointments, Commissioner Ball asked if FCC Environmental Services, the new countywide garbage and recycling service could provide an update to the Board and community at an upcoming meeting, as he and the Commissioners are receiving a lot of questions and complaints from residents. Manager Pinder said that staff would request an update.

CLOSED SESSION

Curt Euler, Interim County Attorney explained that the Board would need to go into Closed Session for the following reason:

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged to receive legal advice regarding Executive Order 14159, Protecting the American People from Invasion. He explained that no formal action would be taken and that the statutory authority is contained in G.S. 143-318.11(a)(3).

Commissioner Moore made the motion to go into closed session for the reason provided. The motion was seconded by Commissioner Whitesides and carried unanimously.

Meeting adjourned at 5:35 p.m.