

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF MARCH 6, 2018 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on March 6, 2018, 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  
Mike Fryar, Vice Chair  
Joe Belcher, Commissioner  
Ellen Frost, Commissioner  
Jasmine Beach-Ferrara, Commissioner  
Robert Pressley, Commissioner  
Al Whitesides, Commissioner

Staff present: Mandy Stone, County Manager; Jim Holland, Assistant County Manager; Tim Flora, Finance Director; Rachael Nygaard, Strategic Partnership Director; Diane Price, Administrative Services Director; Kathy Hughes, Clerk to the Board; Mike Frue, Senior Staff Attorney.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman mentioned that the County lost one of its most beloved citizens, the Rev. Billy Graham on February 21. He read the following statement into the record... "The Buncombe County Board of Commissioners, on behalf of our citizens, join the world in honoring and saying goodbye to Billy Graham. Born in Charlotte, Rev. Graham and his family were our citizens for many, many years as residents of Montreat.

The man who met with the past 12 sitting U.S. presidents, participated in eight presidential inaugurations and helped the nation through 911, became the fourth private citizen to lie in honor at the Capitol, following Rosa Parks and two Capitol police officers who died in the line of duty.

Rev. Graham's family said that he, the son of a dairy farmer, probably would have blushed at the outpouring of love, here at home, in Washington and in Charlotte. But for those that have gathered over the last few days, his humility was a big part of why they came. From the time Rev. Graham's ministry began in the late '40s, his straightforward message never changed – something many in line outside the Capitol said they appreciated and admired. The citizens of Buncombe County are grateful for Rev. Graham and his life well-lived."

The Chairman also mentioned the treatment of a citizen beaten by an Asheville Police officer and the corrosion of trust that such behavior creates between the police and the government as a whole. He asked for a moment of silence in memory of Rev. Graham and for justice for all citizens.

## **CONSENT AGENDA**

Vice Chair Fryar moved to add to the agenda a *Resolution Amending Resolution 17-12-04 Establishing the Library Board*. Commissioner Belcher seconded and the motion passed 7-0.

### **Resolution Amending Resolution 17-12-04 Establishing the Library Board**

Commissioner Frost said she was very impressed with the applicants that were interviewed earlier today.

Commissioner Belcher agreed saying that the applicants were all very impressive and moved to approve the resolution. Commissioner Whitesides seconded the motion.

Jerry Rice said that all the applicants were impressive. He was concerned that this Board's actions could cause taxes to go up.

The motion passed 7-0.

*Commissioner Whitesides introduced two international exchange students studying at Asheville High School: Niji Mohammad from Egypt and Mimi Ajob from Morocco. He thanked the students for visiting the meeting and studying government.*

Commissioner Frost moved to approve the consent agenda as presented. Commissioner Whitesides seconded and the motion passed 7-0.

- **Approval of Minutes of the February 20, 2018 Regular Meeting**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Release Report**
- **Budget Amendment**
  - **HHS Low Income Energy Assistance Program**
  - **Viral Hepatitis Prevention**
- **Public School ADM Capital Fund Project Ordinance – Dickson Elementary**

- **Public School ADM Capital Fund Project Ordinance – Jones Windows & Renovations**
- **Grant Projects Ordinances – Emergency Management; Re-Entry GCC; Pathways Project; Re-entry Pathways**
- **Special Projects Ordinance**
- **Cross Functional Budget Transfers**
- **Road Petition: Mallard Run Drive; Wetland Way; Wing Teal Court**

## **GOOD NEWS**

- **Mountain Mobility Receives Innovations In Transit Service Award**

Matt Cable, County Planner, recognized the Manager and several employees of Mountain Mobility who received awards mentioned in the power point that is attached to the minutes of this meeting. Mr. Cable explained that the awards were a result of Mountain Mobility's work toward performance improvements that had been implemented using resources they already had. He said he was proud of their accomplishments.

## **PRESENTATIONS**

- **Proclamation of National Service Recognition Day**

Commissioner Beach-Ferrara presented the proclamation to Ann Whisenhunt and Barbara Johnson from the Senior Corp and Senior Companion program.

## **PUBLIC HEARING**

- **Rezoning Request by Heath White of Zen Tubing (RLD-CS)**

Nathan Pennington, Interim Planning Director, said that the request was to rezone one parcel of 4.06 acres from Residential-Low Density to Commercial Service near Sandy Bottoms Park. The petitioner wanted to put an empty trailer/storage container on the property for alcohol sales. He said that the Planning Board denied the request and Planning Department staff also recommended denial of the request.

The Chairman opened the public hearing at 5:39 p.m.

Jim Higgins who lived across the street from this property said that there was already traffic issues along this road and spoke in opposition to this rezoning.

Judy Whinenart lives close to this property and questioned how this commercial business was operated near the residential zoned property. She was opposed to the rezoning. She said that it normally takes her 15 minutes to go 4 miles from her home along tis road to her work; but in bad traffic, it takes one hour and additional traffic would be a problem.

Jen White submitted a picture that is attached to the minutes and asked that the zoning be approved. She said that she had a permit to operate on the property and admitted that traffic issues were a problem when the interstate backed up.

Keith White, petitioner, said that the traffic issues were not Zen Tubing's fault and that the new business would be seasonal. The shipping containers were portable making exempt to the floodway issues. He said that the problem of people parking along the road had been addressed.

David Todd spoke for UNC-Asheville who owns the land across from this property. He said that the property is significant because of the rare habitat. The Sandy Bottoms Nature Preserve is in the location and is significant natural heritage area.

Jerry Rice said that this was a difficult and dangerous area to drive through and adding alcohol would not help the problem of crime in the area. He was opposed to any zoning change of this area.

Chairman Newman closed the hearing at 5:52 p.m.

Commissioner Frost moved to deny the request for rezoning based on recommendation of staff and the Planning Board. Commissioner Whitesides seconded the motion. Commissioners Pressley and Belcher both complimented the tubing business but were opposed to the zoning change. The motion to deny passed 7-0.

## **COUNTY MANAGER'S REPORT**

- **Isaac Coleman Update**

Commissioner Frost talked about the development of the Isaac Coleman initiative on the anniversary of the County's decision to fund the grant work.

Lisa Eby, HR Director/Communications and Community Engagement, talked about building leaders in the community and the work that had been done since February of 2017. She talked about the differences between white

and black children, adults and household incomes in the community. She said that previous attempts to close the gaps had not worked and hoped that this investment in the existing leadership in the community would improve the lives of the community. She said that seven investment grants had been given and were being reviewed in an ongoing basis.

Commissioner Whitesides said that the grants were an attempt to assure a level playing field for everyone. He said that it would take time to make positive progress and it would not happen overnight.

Keynon Lake, Community Engagement Team, introduced the community leaders that had received the grants and would be reporting on their progress.

Lucia Darton from the Deaverview community reviewed the activities of her grant to involve and increase citizen participation in community events; volunteer weekly at Johnston Elementary School; and build relationships with the community.

Libby Kyle said her group had started with an after school training and had increased support for the family by finding the resources that they need.

Yolanda Harper with My Community Matters was working with Asheville Housing Authority out of the Edington Center to help buildup young leadership by helping them make documentaries to tell their stories.

Patty Guara, speaking through a translator, said she was working in the Emma Community to organize a summer camp and bring in parents to participate. They were thankful for the funding and the work with the undocumented community.

Ms. Dickson who works on the EW Pearson Project was joined by other community members who make up a network to work with youth and neighbors for social identify.

Ray Mapp works with United Community Development to end poverty by establishing social enterprises and small business. They have trained low income people to do weatherizations and have to date weatherized 6 homes in the last two months.

Katherine Avery with ABIPA said that they had formed a coop to, among other things, clean homes to stop evictions and help residents age in place.

Rasheeda McDaniels, Community Engagement Team, said that the funding had been successfully deployed but the work had only just begun. She asked for continued support and investment. She mentioned mentors from the past including Marcel Proctor; Henry Logan; Beanie Lake and Herb Watts who encouraged the importance of education and giving back. She felt there was leaders present at the meeting who could have similar impact on their community.

## **BOARD APPOINTMENTS**

Commissioner Frost moved to appoint **Barbara Weatherall; Linda Wilkerson; Ray Griffin; Ruth O'Donnell; Amanda Smaridge; Stefan Stackhouse; Karen Dugas; Lindley Garner; Michael McCue** to the **Library Board**. Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Belcher moved to appoint **William Newman** to the **Asheville Board of Adjustment**. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Frost moved to appoint **April Brown** to the **Mountain Area Workforce Development Board** representing the Chamber of Commerce. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

## **PUBLIC COMMENT**

Jerry Rice commented on the County School's \$29 million fund balance. He asked for the policy that allows them to hold that amount of fund balance. He felt they should not be allowed to spend it at their leisure and that taxpayers were suffering with the schools having such a big amount of fund balance.

Ken Higgins requested the Board support state legislation allowing fox trapping in the County. He said that the fox population was exploding and he had lost 40% of his free range chickens due to foxes.

Libby Kyles said that she was on the Women's Commission and a teacher at Isaac Dickson school. She thanked the Board for creating opportunity and for allowing the construction of the new school at Isaac Dickson.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *March 13 @ 3 p.m. – Joint meeting with Asheville City Council and County Commissioners in First Floor Conference Room @ 200 College Street in Asheville*
- *March 13 @ 5:30 p.m. – Ribbon Cutting on the New/Renovated Health and Human Services Building at 40 Coxe Avenue*
- *March 20 @ 12:30 p.m. – Commissioners workshop in the First Floor Conference Room at 200 College Street in downtown Asheville to discuss budget*

Commissioner Frost moved to go into closed session pursuant to NCG 143-318.11a(3) to discuss two legal matters with no action to be taken following the closed session. Commissioner Whitesides seconded and the motion passed 7-0.

**CLOSED SESSION**

The Board met with legal counsel for an update and discussion of a pending legal matter involving the former County Manager and the ongoing investigation. No action was taken.

The Board also discussed a possible legal matter regarding an existing economic incentive agreement. No action was taken.

Commissioner Frost moved to return to open session. Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Beach-Ferrara moved to adjourn the meeting. Commissioner Pressley seconded the motion which passed 7-0. The meeting was adjourned at 7:55 p.m.

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KATHY HUGHES, CLERK  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS