

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF DECEMBER 7, 2020 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on December 7, 2020, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

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

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

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Jennifer Barnette, Budget Director; Sharon Burke, Human Resources Director; Jennifer Pike, Tax Collector; Tim Love, Intergovernmental Relations; Nathan Pennington, Planning Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Heather Hockaday, Attorney

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman requested a moment of silence for the 280,000 lives lost and families affected by COVID-19.

CONSENT AGENDA

Commissioner Edwards motioned to approve the Consent Agenda as presented and add **COVID Violations and Enforcement to New Business**. Commissioner Whitesides seconded and the motion passed 7-0.

- Approval of November 17, 2020 Special Meeting Minutes
- Approval of November 17, 2020 Briefing Minutes
- Approval of November 17, 2020 Regular Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Display
 - Resolution
- Tax Collection Report
- Resolution to Approve the Bonding of County Officials
 - Resolution
- Resolution Authorizing Execution of a Waterline Easement to the City of Asheville for the New Enka-Candler Fire Department Substation
 - Resolution
 - Easement
 - Survey Map
- Budget Amendment for Register of Deeds Automation Fund Server Migration
 - Ordinance
- Budget Amendment for FY2020 Edward Byrne Memorial Justice Assistance Grant
 - Ordinance
- Budget Amendment for CARES funding for Adult Protective Services/Child Protective Services
 - Ordinance
- Budget Amendment for FY2021 Land Conservation Advisory Board Conservation Easements
 - Ordinance
 - More Information - Hickory Nut Gap
 - More Information - Brown Farm

PUBLIC COMMENT

The following individuals spoke in favor of the Pratt & Whitney Economic Development Agreement: Nathan Ramsey, Steve Govus, Andrew Emory and Michael Meguiar

The following individuals spoke against the Pratt & Whitney Economic Development Agreement:

Kenneth Jones	Meagan Sullivan	Melanie Noyes	Richard Heubel
Rachael Bliss	Susan Oehler	JT Sampers	Pearl Foster
Roberta Wall	Victoria Estes	Matilda Bliss	Roger Ehrlich
	Anne Craig	Elsa Enstrom	

Cynthia Heil questioned the transparency and the composition of the Board.

Don Yelton stated that the Board spend more money on meeting production equipment, questioned the composition of the Board, and disagreed with use of solar panels and tearing down of the Vance Monument.

Peggy Bennett expressed that the Vance Monument needed to stay and be renamed.

John Finn stated that the Vance Monument represents good and needed to be renamed.

Shira McKinlay expressed that the Vance Monument needed to be repurposed and renamed.

Kirk Lyons expressed that the Vance Monument needed to stay and have a referendum for the people to decide.

CLOSED SESSION

Commissioner Beach-Ferrara moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for the County of Buncombe vs. Wanda Skillington Greene etal as recorded in Buncombe County Superior Court File #: 18 CVS 4206 and the County of Buncombe vs. Ellen Frost and Wanda Skillington Greene as recorded in Buncombe County Superior Court File #: 19 CVS 5208. Commissioner Whitesides seconded and the motion passed 7-0. The Board heard the legal update and had discussion regarding the legal matters. No action was taken.

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

PUBLIC HEARINGS

- **Keith Rezoning Request**

Nathan Pennington, Planning Director, presented the request, stated that the request was consistent with the comprehensive plan and was unanimously approved by the Planning Board. The properties would move from R-2 Residential and NS-Neighborhood Service to CS-Commercial Service including the three parcels at 569, 571 & 585 Long Shoals Road, Asheville. The total acreage is 10.14.

The Chairman opened the hearing at 6:55 p.m.

James Craig Keith stated that the property will be use for a towing company.

The hearing was closed at 6:57 p.m.

Vice Chair Pressley moved to adopt the plan consistency statement. Commissioner Sloan seconded the motion and it passed 7-0.

Commissioner Whitesides moved to approve the rezoning request. Commissioner Edwards seconded the motion and it passed 7-0.

COUNTY MANAGER'S REPORT

Avril Pinder, County Manager, stated that newly approved Community Development Block Grant funds (Coronavirus) will be used for evictions and currently Coronavirus Aid, Relief, and Economic Security (CARES) funds are being used for evictions.

NEW BUSINESS

- **Selection of Vice Chair**

Vice Chair Pressley nominated and moved to elect Commissioner Whitesides as vice chair. Commissioner Beach-Ferrara seconded the motion and it passed 7-0.

- **Joint Vance Monument Taskforce Recommendation**

DK Wesley, Assistant County Manager, explained the development of the Vance Monument Taskforce and the resolution creating the entity. The taskforce co-chairs, Oralene Simmons and Deborah Miles, presented the objectives, timeline, and milestones. The Board thanked the Taskforce for its time and consideration of the challenging responsibility.

Chairman Newman moved to accept the recommendation by the Taskforce, directed the County Manager to work with the Asheville City Manager to develop the execution plan and determine next steps, and acknowledged that final decision will be determined by the City of Asheville with the County to consider additional support at that time. Commissioner Whitesides seconded the motion and it passed 7-0.

- **COVID Violations and Enforcement**

Michael Frue, Senior Staff Attorney, explained the need to add violations to the ordinance to enforce COVID restrictions.

Commissioner Edwards moved to approve the amendment to the Fire Prevention and Protection section of the ordinance. Commissioner Sloan seconded the motion and it passed 7-0.

BOARD APPOINTMENTS

The Board agreed to interview for the Strategic Partnership Grants Committee on January 5, 2021.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *December 10 @ 12 p.m. - Commissioners' Budget Retreat at A-B Tech Woodfin, 24 Canoe Lane, Asheville, NC 28804*
- *January 5 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *January 5 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Beach-Ferrara moved to cancel the December 15, 2020 Commissioners' Briefing and Regular Meeting. Commissioner Edwards seconded the motion and it passed 7-0.

CLOSED SESSION

Commissioner Pressley moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for McMahan vs Duncan et al federal case in the WDNC 1:19 cv 339, Malvern Hills Neighborhood Association et al vs Buncombe County, and the Buncombe County Board of Adjustment and Catalyst Capital Partners, LLC (Intervenor) as recorded in Buncombe County Superior Court File #: 20 CVS 3881. Vice Chair Whitesides seconded and the motion passed 7-0.

Vice Chair Whitesides moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear two economic development matters. Commissioner Edwards seconded and the motion passed 7-0. The Board heard the legal update, economic development matters and had discussion regarding the matters. No action was taken.

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

Commissioner Edwards moved to adjourn the meeting. Commissioner Beach-Ferrara seconded and the motion passed 7-0. The meeting was adjourned at 8:46 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS