

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF AUGUST 15, 2017 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on August 15, 2017, 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  
Ellen Frost, Vice Chair  
Joe Belcher, Commissioner  
Mike Fryar, Commissioner  
Jasmine Beach-Ferrara, Commissioner  
Robert Pressley, Commissioner  
Al Whitesides, Commissioner

Staff present: Mandy Stone, County Manager; Jon Creighton; Assistant County Manager/Planning Director; Jim Holland, Assistant County Manager/HHS Director; Tim Flora, Finance Director; Mike Frue, Robert Deustch, County Attorney; Kathy Hughes, Clerk to the Board.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman commented on recent events in Charlottesville Virginia involving racial violence encouraging everyone to remember those that lost their lives.

## **PUBLIC COMMENT**

Todd Simpson asked that the people that support legalization of medical cannabis be treated equally and he referred to government studies that proved that the hatred of marijuana was racist; he said that the real name was cannabis and not marijuana and that there were many benefits to its use.

Dr. Milton Byrd said that he had researched the science of the use of cannabis and that there was racism in the treatment of those that support the use of cannabis. He wants Americans to rise up and demand fair treatment.

Diana asked for support of the brunch bill so that the property where she works could continue hosting guests for weddings and events and provide alcoholic beverages. They are licensed to serve and would have to compete with the City of Asheville if the bill was not approved.

Aaron Clark said that he needs medical cannabis and asks them to support a bill.

Timothy Sadler commented on the Charlottesville Virginia events and asked the Board to support medical cannabis.

Bonnie Betts commented on opening the rest rooms at Owen Park instead of having the citizens use a porta-potty. She felt that cannabis was a gateway drug to the opioid crisis.

Jodie was in favor of medical cannabis and lived in Colorado to legally use cannabis. He said his ability of use medical cannabis had saved his life.

Jerry Rice asked the Board to instruct the staff to look closely at child care for special needs children. He said that in school settings they are not getting their needs met. He said that Vaya Health was going to be dissolved because of the future of Medicaid. He cautioned the Board on using Mission Hospital's insurance.

Roberta Vatass spoke in favor of medical cannabis for mental health disorders and other health disorders. He discussed the charges that can come against someone caught with cannabis. He felt it would also reduce opioid overdoses.

Joshua Shaver spoke in favor of medical cannabis being used to suppress the need for heroin. He had transitioned from drug use to medical cannabis.

Terri Trammel spoke in favor of medical cannabis in use for cancer during chemotherapy. She wanted it legalized for medical reasons that can help them survive.

Thomas Van Slambrouck said that he researched this topics and found many benefits and are for medical cannabis not recreational use.

James Parsons told a story about his father who had an accident and could not work and lost everything. Medical cannabis could have saved his life. He took his life because he could not stand the pain.

The Chairman said that the Commissioners don't adopt resolutions about federal or statewide policy matters. He said that the Commission will not consider a resolution but they were interested in supporting the other options.

## **CONSENT AGENDA**

*In answer to a question from Commissioner Belcher, Diane Price, Assistant County Manager, explained the Capital Projects Ordinance regarding the allied health building as attached to the minutes. Commissioner Belcher thanked the staff for the information included in the budget amendments and encouraged the public to view the information.*

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

- **Approval of the Minutes of the August 1, 2017 Regular Meeting**
- **Road Petition: Linn Garden Lane & Sunny Dale Circle**
- **Vaya Health Financial Report**
- **Fund 41 – Capital Projects Ordinance**
- **Fund 26 Public School Capital Projects Ordinance**
- **Fund 33 – Article 46 Sales Tax Capital Projects Ordinance**
- **Fund 30 – Mountain Mobility Special Revenue Fund Budget Amendment**
- **Fund 27 – Grant Projects Ordinance**
- **Fund 24 – Special Projects Ordinance**
- **General Fund Budget Amendment**

## **GOOD NEWS**

- **Expanded Access to Childcare in Buncombe County**

Commissioner Beach-Ferrara said that she and Commissioner Pressley had worked together on Pre-K and early childhood development issues. She said that in Buncombe County, access to Pre-K programs is limited based on availability and affordability. At-risk families face additional barriers such as low income, complex behavioral and health care needs, individual/family/community trauma, and fragmented support systems. That is why Buncombe County is partnering with the community to expand access to childcare. She said that they were excited to announce that Buncombe County has funded a new preschool classroom at Johnston Elementary that will serve an additional 18 children in the 2017-18 school year. The classroom would be operated by Community Action Opportunities in an onsite Buncombe County Schools facility. Families served will meet Head Start eligibility requirements, including people who experience low income, engagement with the foster care system, are homeless, or receive public assistance. In addition, she said, Buncombe County is providing in-kind use of a child care facility on Compton Drive to Eliada Homes, allowing that organization to provide child care to an additional 28 preschool children (and 32 younger children), starting in the 2017-18 school year. These investments are aligned with the work of Asheville-Buncombe Preschool Planning Collaborative, a group working to expand access to high quality preschool in Asheville and Buncombe County.

Commissioner Pressley said that he was thrilled to be part of the head start program and the work with Eliada and looked forward to continuing to work on early childhood education issues.

Susanne Swanger with County Schools thanked the Commissioners for their work and said that they were excited about the opening of the Johnson Elementary Headstart classroom that will prepare kids in that community for their first years of school. She introduced Sandy Grimes who will be Principal at Johnston Elementary.

Brian Repass with Community Action Opportunities said they were thrilled to be part of making the Johnson Elementary Headstart classroom a reality. He introduced Kelly Morelan, a parent of a child in the Headstart program. She said that this program would provide the therapies that would help make children successful.

Becky Williams with Eliada Homes thanked the Board for the new child care center that is scheduled for opening September 29 with 62 child care spots. They have children with special needs in their center as well. Their first day of operation would be September 5.

## **PUBLIC HEARING**

- **Rezoning Request: Tim & Katherine Tolar; 18 Patton Cemetery Road From R-1 to PS**

Debbie Truempy, Zoning Administrator, said that this request to rezone property from R-1 to PS was to expand the petitioners' existing child care center. The request was heard by the Planning Board and approved unanimously finding it consistent with the land use plan, reasonable and in the public interest. She noted that the child care center was open on this property prior to the adoption of zoning in the area.

The Chairman opened the hearing at 6 p.m.

Randy Silver said he had adjoining property to the child care center that would be located near a right of way that the petitioners tried to close. He was opposed to any parking in the right of way and felt they would not have adequate parking for the child care center. He felt this was an unsafe situation.

Betty Betts said that her property was across the street and in a residential property and felt that expanding the child care center would be dangerous on this street.

Tim Tolar, petitioner, said that expansion of the day care would add 30 child care slots and they have created parking spaces in the existing right of way.

Sara Horn Silver spoke to the right of way they will be using for construction saying that the new modular would take up needed space on the right of way. She suggested denial until the right of way can be made safer.

The Chairman closed the hearing at 6:12 p.m.

Ms. Truempy said that in order to develop the day care, the petitioners would need to submit a plan including parking and safety. This is only a consideration of the rezoning.

Vice Chair Frost moved to approve the rezoning finding it consistent with the land use plan, reasonable and in the public interest. Commissioner Beach-Ferrara seconded the motion.

Commissioner Belcher confirmed that the concerns brought up would be reviewed before construction. Ms. Truempy said that they would all be reviewed with the exception of any private easement agreements.

The motion passed 7-0.

## **COUNTY MANAGER'S REPORT**

- **Strategic Investment in Youth/Workshop**

Mandy Stone, County Manager, introduced Christy Cheek and Erica Germer who work with the County Schools Career Academy and the Youth Leadership Academy which are pathways to employment for young adults in the County.

Christy Cheek with County Schools Career Academy introduced a student who presented a toolbox that he had constructed during his work in the academy to Commissioner Belcher who had visited and spoken to several career pathway workshops. Ms. Cheek introduced students who had completed the Erwin High Career Academy who shared how the program had helped them stay in school and find out more about the community and what they might want to do in the future.

Erica Germer with City/County Youth Leadership Academy, said that they provide paid internship opportunities toward college and careers. They help the students prepare for college and find scholarships. Several of the students spoke about how this experience had helped them know the direction they wanted to move in college; connect with different work experiences; and find college readiness and funding opportunities. They thanked the Board for the funding of the program. Ms. Germer said that the program hosted 40 kids this summer and all program graduates go on to college.

## **OLD BUSINESS**

- **Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sunday at Licensed Premises (Second Reading)**

Vice Chair Frost moved to approve the ordinance on second reading. Commissioner Whitesides seconded and the motion passed as follows:

AYES: Chairman Newman; Vice Chair Frost; Commissioners Whitesides; Beach-Ferrara and Fryar

NOES: Commissioners Belcher and Pressley.

## **NEW BUSINESS**

- **Public School Capital Needs Fund: Savings Reallocation to Community High Project**

Tim Flora, Finance Director, said that this budget amendment was a part of the School Capital Fund Commission moving funding left over from the Cane Creek Middle School project to the Community High School program. Construction bids for the Community High project were higher and the savings from Cane Creek could be used here to cover the increased costs. Lottery fund money may cover additional costs. This is no additional costs to the County, Commissioner Belcher moved to approve the request as attached to the minutes. Vice Chair Frost seconded the motion.

Jerry Rice asked why this money was available. He felt it should be reviewed.

The motion passed 7-0.

## **BOARD APPOINTMENTS**

Commissioner Belcher moved to appoint Gary Roberts to serve on the Asheville Buncombe Technical Community College Board of Trustees. Commissioner Pressley seconded and the motion passed 7-0.

Vice Chair Frost moved to appoint Maggie Adams, Toya Hauf, Rebecca Kingston and Sara Ramirez to the Women's Commission. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

## **ANNOUNCEMENTS**

The Chairman made the following announcement and adjourned the meeting:

- *September 5 - 5 p.m. Regular Meeting Board of Commissioners in Room 326 @ 200 College Street in downtown Asheville*

Commissioner Whitesides moved to go into closed session for 143-318.a(3)(4) for legal and economic development matters. Commissioner Pressley seconded and the motion passed 7-0.

#### **CLOSED SESSION**

Discussion was held regarding a possible economic development incentive for a local company bringing 131 jobs and making a \$105 million investment. The Board gave consensus for the staff to continue working and negotiating the incentive.

The County Attorney updated the Board on the possibility of the County entering a lawsuit. No action was taken.

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

Commissioner Belcher moved to adjourn the meeting. Commissioner Beach-Ferrara seconded the motion which passed 7-0. The meeting was adjourned at 8 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS