

MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING OF SEPTEMBER 5 2017 AT 5 P.M.

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 5, 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; Robert Deutsch, County Attorney; Michael Frue, Senior Staff Attorney/Deputy Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman asked for a moment of silence to remember the victims of hurricane Harvey and hurricane Irma.

The Chairman said that he worked in the solar energy industry and that none of the businesses that he had an interest is would have a role in the project and therefore he did not have a conflict of interest.

PUBLIC COMMENT

Paul Llanso read a statement attached to the minutes regarding a rezoning request for property that joins his property.

Vijay Kapora from South Asheville giving an update on the development on Overlook Road. He said that there is a 98 home subdivision application proposed at that location. He was opposed to the development and concerned about traffic, safety and stormwater. He invited the Board to a community meeting about this development in the next week.

Carter Webb lives near the proposed subdivision off Overlook Road and he was very concerned about this huge development impacting traffic, water runoff and the impact of Westridge Drive. He urged the elected officials to take a look at this proposal and invited them to the community meeting on September 13.

Jerry Rice commented on the funding for a program suggested by the District Attorney that would be discussed later in the meeting and who had authority to spend the money.

CONSENT AGENDA

- Approval of Minutes of August 15, 2017 Regular Meeting
- Resolution Appointing Deputy Clerk
- Special Projects Ordinance
- Grant Projects Ordinance
- Sales Tax Projects Ordinance Arts, Science & Engineering Building
- Sales Tax Projects Ordinance Professional Services
- Release Report

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

GOOD NEWS

- Proclamation of Ralph Lewis Day

Commissioner Pressley read the proclamation and moved for its approval. The proclamation was presented to members of the Lewis family.

PUBLIC HEARING

- Rezoning Request from Brad Howell R-1 to R-3

Debbie Truempy, Zoning Administrator, said that the Planning Board recommended denial of the rezoning request and the Planning Staff were recommending approval of the rezoning of an approximately 4 acre property from R-1 to R-3..

The Chairman opened the hearing at 5:34 p.m.

Ian Iquaminam, a retired architect, felt that the rezoning request was not in keeping with the surrounding environment.

Tracy Dodson said that his neighborhood was well established and were opposed to this zoning change and felt that the roads could not handle the increased traffic

Patrick Gallagher, President of Cedar Woods Estates, said that the property in question was visible from the Blue Ridge Parkway

Gary Beaty of Cedar Woods Estates said that he was worried about congestion.

Keith Levy of Cedar Woods Estates recommended denial of the rezoning.

John Adams of Cedar Woods Estates was also opposed to the rezoning

Chris Suttles was opposed to the rezoning

Matt Holcombe was opposed to the rezoning.

The public hearing was closed at 5:50 p.m.

Commissioner Frost moved to deny the rezoning requesting finding it not consistent with the Land Use Plan. Commissioner Fryar seconded and the motion passed 7-0.

- **Text Amendment – Chapter 78 – Jesse Gardner**

Debbie Truempy, Zoning Administrator, said that the Planning Board and staff recommend approval of his text amendment. The Chairman opened the public hearing at 5:58 p.m. No comments were taken and the hearing was closed at 5:59 p.m.

Commissioner Belcher moved to approve the text amendment as recommended finding them consistent with the land use plan and in the public interest. Vice Chair Frost seconded and the motion passed 7-0.

- **Text Amendment – Chapter 70 – Staff**

Debbie Truempy, Zoning Administrator, said that the Planning Board approved the recommended changes as suggested by the Planning staff. The Chairman opened the public hearing at 6:02 p.m. No comments were taken and the hearing was closed at 6:03 p.m.

Commissioner Belcher moved to approve the amendments as recommended. Commissioner Pressley seconded and the motion passed 7-0.

- **Development of Solar Farm**

Jon Creighton, Planning Director/Assistant County Manager, presented a power point attached to the minutes of this meeting outlining the request for proposals and the process that was used to arrive at the recommendation of a candidate to develop the site of the old landfill for a solar farm. He recommended that the County contract with Duke Energy.

Jerry Rice asked if the companies had enough information to make a good decision.

Commissioner Fryar moved to accept the proposal of Duke Energy for a 25 year land lease for placement of a solar farm on the old landfill site. Vice Chair Frost seconded and the motion passed 7-0.

COUNTY MANAGER'S REPORT

- **African American Heritage Lunch and Learn**

Keynon Lake, member of the County's Community Engagement Team, reported on the success of the lunch and learn events on African American Heritage. He explained how these lunch time sessions came about and what they included. He said that they averaged about 150 people attending each event. The Board members thanked the team for their work on making these events happen.

- **Tipping Point Grant Update**

Lisa Eby, Community Engagement Director, said that the tipping point grants were enabling programs that benefited the community to begin in areas where they were needed. New grant opportunities were being opened up and they hoped to fund 10 to 12 grants in the amount of up to \$5,000 in the next round. Members of the community Engagement Team will be working directly with the grant recipients on their projects.

NEW BUSINESS

- **Budget Amendment – Fund DA Community Access Portal**

Sheriff Van Duncan reported that this was a budget amendment allowing use of inmate commissary funds to assist the inmates. He proposed the use of these funds to assist the District Attorney initiate a new program to reduce jail population.

Vice Chair Frost said that the Board had no say so over the use of the funds and the idea is to reduce jail population.

Todd Williams, District Attorney, gave a power point that is attached to the minutes of this meeting that outlined the program. He felt that this upgrade in technology would save the County money and reduce the jail population by moving inmates through the process sooner by reducing the amount of paperwork involved in the process.

The Sheriff said that this should assist those with mental health issues; ordinance violations and other minor violations that end up in the jail population move out of the jail faster.

Leeann Melton commended the efforts of the District Attorney but questioned the use of the commissary funds being used for this program. She asked that this program be funded with other funds.

Judge Calvin Hill said that use of the funds was not his issue; however, the inmates that can be released were being taken care of now and he didn't feel that these programs could expedite their release.

Kathy Lamont was fully supportive of the new program and felt it would enhance the overall system; however, she was concerned with where the funds were coming from and felt they should be used for more emergency services for the inmates.

Commissioner Beach-Ferrara wanted to make sure that the funding was directly helping the inmates. These funds are dedicated for inmate well-being and she wanted to consider other avenues for funding of this proposal.

Commissioner Fryar asked for more time to review this request.

The Chairman said that if the Board felt that this was a good idea, it should be supported and funded from commissary funds or the general fund.

Vice Chair Frost said that other jail diversion efforts would be investigated in the future but with these funds, if the Sheriff had found this to be what he wanted to support, she felt the budget amendment should be approved.

Commissioner Belcher moved to approve the budget amendment as presented.

Commissioner Whitesides seconded the motion and it passed as follows:

AYES: Chairman Newman; Commissioners Whitesides, Belcher and Vice Chair Frost

NOES: Commissioners Beach-Ferrara; Pressley and Fryar

BOARD APPOINTMENTS

Vice Chair Frost moved to appoint **Anya Robyak** to the **Women's Commission**. Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Belcher moved to reappoint **Chip Craig** to the **Tourism Development Authority**. Vice Chair Frost seconded and the motion passed 7-0.

Commissioner Belcher moved to appoint **Garrett Artz** to the **Land Conservation Advisory Board**. Chairman Newman seconded and the motion assed 7-0.

Vice Chair Frost moved to reappoint **David Lee, David Snelson, Ed Bulluck and Terri Wells** to the **Farmland Preservation Advisory Board**. Commissioner Belcher seconded and the motion assed 7-0.

Commissioner Beach-Ferrara moved to appoint **Keynon Lake** to the **Asheville Buncombe Technical Community College Board of Trustees**. Commissioner Pressley seconded and the motion passed 7-0.

ANNOUNCEMENTS

The Chairman made the following announcement and adjourned the meeting:

- *September 19 - 5 p.m. Regular Meeting Board of Commissioners in Room 326 @ 200 College Street in downtown Asheville*
- *September 26 – 12:30 p.m. Commissioners' Workshop @ 200 College Street, First Floor Conference Room.*

Vice Chair Frost moved to go into closed session pursuant to NCGS 143-318.11(a)(3) for potential legal matters. Commissioner Whitesides seconded and the motion passed 7-0.

CLOSED SESSION

The Board heard from Attorney Sean Devereux who gave a general overview of the federal investigation process in light of an active criminal investigation that is on-going. No action was taken.

The Board also discussed potential litigation with no action taken.

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

Commissioner Fryar moved to adjourn the meeting. Commissioner Whitesides seconded the motion which passed 7-0. The meeting was adjourned at 8:45 p.m.

MICHAEL FRUE, DEPUTY CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS