

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF AUGUST 6, 2019 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on August 6, 2019, 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, Vice Chair  
Joe Belcher, Commissioner  
Amanda Edwards, Commissioner  
Mike Fryar, Commissioner  
Robert Pressley, Commissioner  
Al Whitesides, Commissioner

Staff present: Avril Pinder, County Manager; Dakisha Wesley, Assistant County Manager; Jennifer Barnette, Budget Director; Tim Love, Business Officer; Nathan Pennington, Planning Director; Jennifer Pike, Tax Collector; Sheriff Miller; Josh O'Conner, Recreation Services Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney

## **PLEDGE OF ALLEGIANCE**

Chairman Newman introduced and welcomed the new Assistant County Manager, Dakisha Wesley.

## **INVOCATION**

The Chairman asked for a moment of silence for the public servants that work in our community and the value that they give.

## **CLOSED SESSION**

Commissioner Whitesides moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matter with no possible action anticipated following the closed session.

Commissioner Belcher seconded and the motion passed 7-0. The Board heard the legal update and had discussion regarding the legal matter. No action was taken.

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

## **CONSENT AGENDA**

Commissioner Belcher motioned to approve the Consent Agenda as presented and the remainder of the agenda. Commissioner Whitesides seconded and the motion passed 7-0.

- Approval of July 16, 2019 Pre-Meeting Minutes
- Approval of July 16, 2019 Regular Meeting Minutes
- Road Petition: Jon Kraus Way
  - Resolution
- Resolution Awarding a Service Firearm to a Retiring Deputy of the Buncombe County Sheriff's Department
  - Michael Ruby
  - Mickey Ray
- Resolution Approving Pyrotechnic Experts for Firework Display
- Task Order 19-20 with SCS Engineers, P.C. in the Amount of \$58,287
- Resolution Approving Disposal of Surplus Personal Property
  - Resolution
  - Exhibit A
- Resolution for HOME Investment Partnership Program Match
  - Resolution
    - Exhibit A
- Commissioners' Property Tax Release Report
  - Report
  - More Information
- Annual Tax Settlement
  - Combined Settlement
  - Tax Year 2018 Unpaid 6-30-19
  - Combined Insolvent
- Order of Collection
  - Order to Collect
- FY2020 Consent Agenda Budget Amendment Summary
  - NC Governor's Highway Safety Program Grant – DWI Court 2020
    - Resolution

- Ordinance
- AARP Community Challenge Grant
  - Ordinance

## PRESENTATIONS

- **Consent to Hire Internal Audit Director**

Larry Harris, Chair of the Internal Audit Committee, explained the process for selecting the Internal Audit Director and stated that it was a unanimous vote by the committee to hire Trisha Burnett. Mr. Harris provided some of her credentials and experience that she will bring to the position.

Commissioner Belcher motioned to approve the recommendation to hire Trisha Burnett as the Internal Audit Director from Internal Audit Committee. Commissioner Edwards seconded and the motion passed 7-0.

- **Recognizing Gene Bell for 25 Years of Service to the Community**

The Board presented a proclamation and a US flag honoring Gene Bell as Commissioner Whitesides read the proclamation.

Gene Bell expressed appreciation for the County's support and thanked the people that helped him accomplish the work in the community. He also presented "Thank you" cards from the kids that attended the camp in Missouri.

## PUBLIC HEARINGS

- **Economic Development – Mountain Community Capital Fund (MCCF)**

Tim Love, Business Officer, stated that program was presented to the Board previously on multiple occasions and the purpose of the public hearing was to allow public comment. No vote was required from the Board and it was not a new funding request.

The Chairman opened the hearing at 5:37 p.m.

Don Yelton requested to know where the \$200,000 funding was coming from.

The hearing was closed at 5:38 p.m.

- **Uherka Rezoning Request**

Joshua Freeman, Planning Manager, presented the request, stated that the request was consistent with the comprehensive plan, as analyzed by staff, and received a 3-3 vote denial by the Planning Board. The one parcel (119 Woodland Dr.) would move from R-LD Residential Low Density to R-1 Residential.

The Chairman opened the hearing at 5:59 p.m.

Pam Tegge, Swannanoa, expressed concerns of storm water run-off, erosion, and ingress/egress and does not support the rezoning.

Michael Hayes, president of Woodland HOA, does not support the rezoning and expressed additional concern of the blind corner for high traffic.

Sophia Papadopoulos stated concerns for the rezoning and questioned the placement of the new units.

Robert Randolph supported the rezoning as areas to place affordable housing.

Brian Mumpower was not in support of the rezoning and building the houses in questionable areas.

Robert and Laura Uherka stated that they were trying to work with neighborhood and to be as consistent as possible.

Don Yelton questioned the planning board's decision and suggested that the ground be left alone.

The hearing was closed at 6:19 p.m.

Chairman Newman stated that the Board was only voting on the rezoning and not any development plans.

Commissioner Belcher moved to adopt the plan consistency statement. Chairman Newman seconded the motion and it passed 7-0.

Commissioner Belcher moved to approve the rezoning request. Chairman Newman seconded the motion and it failed 4-3. (AYES-Newman, Belcher, Beach-Ferrara)

- **McDonald Rezoning Request**

Joshua Freeman, Zoning Administrator, presented the request, stated that the request was consistent with the comprehensive plan and was unanimously approved by the Planning Board. The area would move from R-2 Residential to NS-Neighborhood Service at the addresses of 569 and 571 Long Shoals Road, Arden.

The Chairman opened the hearing at 6:41 p.m.

The hearing was closed at 6:42 p.m.

Commissioner Edwards moved to adopt the plan consistency statement. Commissioner Whitesides seconded the motion and it passed 7-0.

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

- **Higgins Rezoning Request**

Joshua Freeman, Zoning Administrator, presented the request, stated that the request was consistent with the comprehensive plan and was unanimously approved by the Planning Board. The area would move from R-2 Residential to EMP-Employment at the address of 1854 Brevard Road.

The Chairman opened the hearing at 6:53 p.m.

Don Yelton stated that 10 year zoning doesn't work and suggested that the County rezone based on site plans.

The hearing was closed at 6:55 p.m.

Chairman Newman moved to adopt the plan consistency statement. Commissioner Pressley seconded the motion and it passed 7-0.

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

## **COUNTY MANAGER'S REPORT**

Avril Pinder, County Manager, thanked the Board and staff for their work on the Strategic Planning Work Session and process. The Board will be provided an update on the process at the August 20 meeting.

## **NEW BUSINESS**

- **Old Haywood Road Neighborhood Phase I Development**

Matt Cable, Planning Manager, provided an overview of the project and Andy Barnette, Executive Director of Asheville Habitat for Humanity presented a PowerPoint that detailed some plans of the project that scheduled to be completed in Spring 2023.

Robert Randolph expressed his excitement for the project.

Don Yelton requested to know where the funding was coming from.

Commissioner Fryar stated that the Board needed to consider the spending of tax payer money and questioned if the housing was affordable.

Commissioner Edwards moved to authorize the Community Development Loan Agreement and enter into and execute the associated Promissory Note and Deed of Trust for the Old Haywood Road Neighborhood – Phase I Development. Vice Chair Beach-Ferrara seconded and the motion passed 6-1. (NOES-Fryar)

- **FY2020 Budget Amendment Summary**

Jennifer Barnette, Budget Director, explained the budget amendment outlined in the amendment summary and identified below.

Josh O'Conner, Recreation Services Director, gave an update of the project and its timeline.

Don Yelton expressed his concern with the NCDOT giving money for a greenway and not repairing roads.

- **Reems Creek Greenway Project**

Commissioner Belcher moved to approve the budget amendment as presented. Commissioner Edwards seconded and the motion passed 6-1. (NOES-Fryar)

## **BOARD APPOINTMENTS**

Commissioner Belcher moved to reappoint **Leah Ashburn** to the **Tourism Development Authority**. Commissioner Edwards seconded and the motion passed 7-0.

Vice Chair Beach-Ferrara moved to reappoint **Carol Coulson, Rick Elingburg, Rick Munger** and **Steven Valeika** to the **Health & Human Services Board**. Commissioner Edwards seconded and the motion passed 7-0.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *August 20 @ 12 p.m. - Commissioners' Pre-Meeting at 200 College Street, 1st Floor Conference Room in downtown Asheville.*
- *August 20 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Edwards moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear three legal matters with no possible action anticipated following the closed session:

1. 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
2. Irene Warren Kent, Administratrix of the Estate of Michelle Quantele Smiley vs. Van Duncan, in his official capacity as Sheriff of Buncombe and Western Surety, et al., U.S. District court file #: 1:18 CV 322
3. RAB Builders, LLC vs. Buncombe County, N.C. Court of Appeals COA 19-204, and RAB Builders, LLC vs. Buncombe county and Buncombe County Board of Adjustment, U.S. District court file #: 1:19 CV 182

Commissioner Pressley seconded and the motion passed 7-0.

## **CLOSED SESSION**

The Board heard the legal update and had discussion regarding the previous mentioned legal matters. No action was taken.

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

Commissioner Belcher moved to adjourn the meeting. Vice Chair Beach-Ferrara seconded and the motion passed 7-0. The meeting was adjourned at 8:07 p.m.

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LAMAR JOYNER, CLERK  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS