

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 19, 2022 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 19, 2022, 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, Vice Chair
Robert Pressley, Commissioner
Terri Wells, Commissioner
Al Whitesides, Commissioner

Parker Sloan, Commissioner, was absent from the meeting.

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Donald Warn, Finance Director; Jennifer Barnette, Budget Director; Sharon Burke, Human Resources Director; Sheriff Quentin Miller; Tiffany Iheanacho, Justice Services Director; Stoney Blevins, Health & Human Services Director; Tim Love, Intergovernmental Relations; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney;

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Wells motioned to approve the Consent Agenda, add **Approval of a Public Hearing for Installment Financing Contract to New Business**, and the remainder of the agenda. Commissioner Beach-Ferrara seconded and the motion passed 6-0.

- Approval of April 5, 2022 Special Meeting Minutes
- Approval of April 5, 2022 Briefing Meeting Minutes
- Approval of April 5, 2022 Regular Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Display
 - Resolution
- Budget Amendment for FEMA Reimbursement to Fire Departments for Tropical Storm Fred Response
 - Ordinance
- Budget Amendment to Establish Four Conservation Easement Projects
 - Ordinance
 - Maps
- Budget Amendment for Project Closures - Multiple Funds
 - Ordinances

PUBLIC COMMENT

Don Yelton expressed support for the finance reports and the Sheriff's salary increase request.

Phyllis Morgan expressed issues with the Board of Adjustment processes and projects.

Julie McConnell, Bonnie Bargeron, and Donna Nawrocki expressed their support for aging services and adult day services.

PRESENTATIONS

- **Sexual Assault Awareness Month Proclamation**

Vice Chair Edwards read and presented the proclamation. Paulina Mendez, Justice Services, and members of Our Voice accepted the proclamation and expressed gratitude.

PUBLIC HEARINGS

- **Resolution Approving the Issuance by the Public Finance Authority of Lenoir-Rhyne University's Educational Facilities Revenue and Revenue Refunding Bonds in an Aggregate Principal Amount Not to Exceed \$63,000,000**

Michael Frue, Senior Staff Attorney, stated that Lenoir-Rhyne University has requested that the Public Finance Authority issue qualified tax-exempt revenue bonds for several campus facility projects, including its Asheville campus. In order to be tax-exempt, a public hearing is required before a governmental unit in the area where the project is located. The University will be solely responsible for all payments on the bonds.

The Chairman opened the hearing at 5:41 p.m.

The hearing was closed at 5:42 p.m.

Commissioner Whitesides moved to approve the resolution authorizing the issuance by the Public Finance Authority of its educational facilities revenue bonds as presented. Commissioner Beach-Ferrara seconded the motion and it passed 6-0.

COUNTY MANAGER'S REPORT

- **Asheville Community Reparations Commission Update**

Avril Pinder, County Manager, introduced the new Public Safety Communications Director, Derrick Ruble.

Debra Clark Jones, TEQuity, LLC President, provided an update on the City of Asheville's Community Reparations Commission.

OLD BUSINESS

- **Ferry Road Next Steps**

Tim Love, Intergovernmental Relations, reviewed the Ferry Road Project options and the request for the Board to select the preferred land use concept with key land use elements. from the briefing on April 5th. Public engagement was conducted to gather community, organization, and neighborhood input on the project. The Board agreed to support the following goals and elements:

* Staff report recommends preserving 36%- 60% of the 137-acre property as natural areas, outdoor recreation space and buffers. The Commission supports the goal of preservation in the upper range of this amount (for example in the 55% - 60% range, which would preserve at least 75 - 82 acres. The Commission supports preservation of the existing mature forestland to buffer any future development from neighboring properties.

* The development footprint of the property would therefore be limited to 40% - 45% of the property (54 - 61 acres).

* Within the development footprint, the Commission supports a phased development approach that makes a significant contribution to meeting the county's recently approved affordable and workforce housing goals with a diversity of housing types including multi-family, missing-middle and single family homes. The Commissioners support a mix of rental and homeownership opportunities and analysis of whether the site may be viable for inclusion of a 4% affordable tax credit project, which could leverage significant resources to the project.

* Support for inclusion of some commercial elements, if financially viable, and harmonious with overall project design such as: live-work spaces, light manufacturing, outdoor recreation-oriented businesses, childcare facilities, neighborhood-oriented businesses.

* In order to help meet these goals, at least two-thirds of the new construction units should be priced at affordable and workforce price points. Provisions should be included to assure long-term affordability. The Commission is open to inclusion of some market rate units as well to help finance the infrastructure improvements needed for the future of the property.

* Support infrastructure as follows: access roads to avoid putting traffic on existing neighborhoods, stormwater management, and greenways and recreation access points.

Commissioner Wells moved to approve the previous stated goals and elements for the Ferry Road Project. Vice Chair Edwards seconded and the motion passed 6-0.

NEW BUSINESS

- **County-owned Property Master Planning**

Tim Love, Intergovernmental Relations, Matt Cable, Planning, and UNC School of Government Development Finance Initiative (DFI) representatives explained the opportunity to partner to develop the Ferry Road project and Downtown Properties. The Affordable Housing Committee (AHC) supports the reallocation of a portion of these funds to support two projects (Ferry Road Predevelopment Services and Affordable Housing Feasibility Study) to be completed through contracts with DFI.

Vice Chair Edwards moved to approve the reallocation \$220,900 in FY22 Affordable Housing Services Program (AHSP) funds to support the \$137,400 Ferry Road Predevelopment Services contract, \$83,500 Affordable Housing Feasibility Study contract, and direct staff to contract with DFI. Commissioner Beach-Ferrara seconded and the motion passed 6-0.

- **Approval of a Public Hearing for Installment Financing Contract**

Michael Frue, Senior Staff Attorney, requested a public hearing for a Fourth Amendment to the December 16, 2010 Installment Financing Contract to be held on May 3, 2022 at 5:00 p.m.

Vice Chair Edwards moved to approve the requested for a public hearing. Commissioner Beach-Ferrara seconded and the motion passed 6-0.

- **Approval for Letter of Support for Lutheran Family Services**

Phillip Hardin, Health & Human Services, explained that the letter of support will be part of their application with the Bureau of Population, Refugees and Migration to help expand the array of services provided to refugees coming to Buncombe County. Commissioner Whitesides moved to approve the letter. Chairman Newman seconded and the motion passed 6-0.

- **Salary Increase for BCSO Detention Officers**

Sheriff Quentin Miller requested that the Board of Commissioners consider a salary increase for our detention deputies. He explained the detention facility is at critical staffing levels and wants the facility to be fully staffed. A believe that more competitive salary will open up a larger pool of applicants and assist with retaining current detention officers. The request of \$3, \$5, and \$7 per hour increases were proposed to the Board. The Board discussed the options and asked the Sheriff questions for clarity and more information.

Commissioner Whitesides moved to approve a \$3 per hour increase to the pay classification for detention officers. Chairman Newman seconded and the motion passed 6-0. This increase is for the detention officers classification to increase the Detention Officer career ladder by a \$3 increase for each level. This career ladder would change the following detention position classifications: Detention Officers and Trainee's, Detention Sergeants and Detention Lieutenants positions.

- **Budget Amendment for School Capital Fund Commission Recommended School Year 2023 Projects**

John Hudson, Budget, explained the budget amendment. Commissioner Wells moved to approve the budget amendment as presented. Vice Chair Edwards seconded and the motion passed 6-0.

- **Budget Amendment for State Lottery Project Award – AC Reynolds (Stadium Lighting Replacement)**

John Hudson, Budget, explained the budget amendment. Commissioner Beach-Ferrara moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 6-0.

- **Budget Amendment for Appropriation to Capital Fund Per Policy**

John Hudson, Budget, and Don Warn, Finance Director, explained the budget amendment. Chairman Newman moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 6-0.

- **Budget Amendment for Opioid Settlement**

Victoria Reichard, Behavioral Health, explained that the County will be receiving \$16,175,039 over an 18-year period and this amendment budgets the first allocation of \$621,438. A payment schedule has been received and future payments will be budgeted with the annual budget ordinance. These funds must be held in a fund dedicated to their use and we have established the Opioid Settlement Fund (Fund 229).

Commissioner Beach-Ferrara moved to approve the budget amendment as presented. Vice Chair Edwards seconded and the motion passed 6-0.

BOARD APPOINTMENTS

Commissioner Beach-Ferrara moved to appoint **Julie Risedorf** to the **Justice Resource Advisory Council**. Vice Chair Edwards seconded and the motion passed 6-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *April 26 @ 11 a.m. - Commissioners' Budget Work Session at 200 College Street, Room 326 in downtown Asheville.*
- *May 3 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *May 3 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

CLOSED SESSION

Commissioner Pressley moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for Heaton v. Wilhelm, Buncombe County, Buncombe County Sheriff, et al. Buncombe County Superior Court file #20 CVS 3247.

Commissioner Whitesides seconded and the motion passed 6-0.

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

Commissioner Whitesides moved to go back into open session. Vice Chair Edwards seconded and the motion passed 6-0.

Commissioner Wells moved to adjourn the meeting. Commissioner Pressley seconded and the motion passed 6-0. The meeting was adjourned at 8:07 p.m.