

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
BRIEFING MEETING OF JULY 16, 2024, AT 3:00 p.m.**

BE IT REMEMBERED: That the Board of Commissioners held a Briefing session on July 16, 2024, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 3:00 p.m. where and when the following business was transacted:

Present: Chairman Brownie Newman; Vice-Chair Parker Sloan; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Jasmine Beach-Ferrara; Commissioner Amanda Edwards.

Absent: Commissioner Martin Moore.

The Chairman called the meeting to order at 3:05 p.m. During the meeting, the Board and staff reviewed and discussed agenda items and received staff updates with discussions as noted:

Manager Pinder introduced Colleen Bridger as the interim Health and Human Services Director.

Leading with Race Summit

Dr. Noreal Armstrong Chief Equity and Human Rights Officer, provided an update on the Racial Equity Action Plan (REAP) and provided details on the upcoming Leading with Race Summit to be held on July 20, 2024.

Community Reparations Commission Update

Dr. Noreal Armstrong highlighted recommendations made by the Community Reparations Commission (CRC); to date, 38 recommendations have been drafted. The CRC is tentatively scheduled to provide the final report with the recommendations to the Board of Commissions in October 2024.

Lilian Govus, Communications and Public Engagement Director introduced Liz Garland with STM Multimedia. Garland introduced the student team and body of work related to the Slay the Mic project. To date, the team has conducted over 42 interviews, produced 6 audio interviews, held Black Student Union meetings, published articles and held student feedback sessions. Garland explained the unseen impact of the project, noting deeper community connection, solution-based thinking and confidence building. Recorded interviews and articles can be found on Buncombe County Government Television (BCTV).

Internal Audit Update

Manager Pinder introduced Robb Hartman as the new Internal Auditor. Matt Baker provided an update on the Internal Audit department, noting the successful software and process improvements made to increase security and consistency, accomplishments in cash management, and in IT general controls. Commissioner Whitesides thanked Baker for his service as Interim.

Milestone Contract

Vance Bell, Operational Services Manager with the IT department explained the contract with Milestone, a tower management vendor. The goals of the agreement are to manage communications, contracts, leases and payments with property owners and co-locators of existing tower sites. The first tower agreement is Broad River Tower, Milestone and Verizon; the Commission will vote in September. Staff anticipates finalizing the remaining ten existing towers into one consolidated package in the coming months. Commissioner Wells thanked Bell for the team's work and expanding service to rural areas.

Integrated Public Alert and Warning System

Bradley Collins, emergency management specialist introduced the Integrated Public Alert and Warning System (IPAWS) system. He explained that IPAWS is a Federal Emergency Management Agency (FEMA) mass notification tool and that alerts of an incident are sent to phones within a mapped out area (geo-fencing). He explained that this new alert system does not replace other systems – BC alert and website will remain the primary notification system; however, IPAWS is automatic and specific to the area – all smart devices will receive the notification automatically, residents do not need to sign up.

Tax Assessment Equity Study

Property Assessor Keith Miller shared an overview of the report and recommendations from the Tax Assessment Equity Study conducted by outside consultant Kevin Keene of Keene Mass Appraisal Consulting. Keene's report cites no findings of systemic racial or income discrimination in the assessment process and calls the assessment process "blind and fair" as it does not consider demographics in determining value. He also noted that the report does not identify evidence of overt political influence in the assessment process. The report includes 28 recommendations and Keene highlighted areas of opportunity which included: Improve data quality going into the mass appraisal model; Improve precision of the mass appraisal model; and increase outreach locally and with NC Legislator to expand tax relief options.

STR Ad Hoc Committee

Following the scheduled briefing agenda items, Chairman Newman requested the Board have a follow up discussion regarding the status of short-term rental (STR) regulations. The Board discussed possible next steps and ideas for more community input. The Board decided to create an ad hoc committee to conduct more listening sessions and provide additional insights and/or recommendations on STR regulations and impacts. Chairman Newman listed the groups that should be represented on the Committee, which included: real estate; property owners of STR's; affordable housing interests and some current Planning Board members. The Board further instructed that the Ad Hoc Committee would meet as much as needed over the next couple of months and for staff to start the advertising process. Additionally, the Board discussed having planning staff and a Commissioner attend meetings to serve as a liaison.

Adjourned at 4:53.

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JULY 16, 2024, AT 5:00 p.m.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on July 16, 2024, 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.

Present: Chairman Brownie Newman; Vice-Chair Parker Sloan; Commissioner Martin Moore; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Jasmine Beach-Ferrara; Commissioner Amanda Edwards.

The Chairman called the meeting to order at 5:10 p.m.

PLEDGE OF ALLEGIANCE

Chairman Newman led the Commission in the Pledge of Allegiance.

CONSENT AGENDA

Chairman Newman announced that the vote to appoint a Commissioner to serve as the District 16 caucus would need to be added to New Business. Commissioner Whitesides motioned to approve the Consent Agenda with the additional item and Commissioner Edwards seconded the motion. The motion passed 7-0.

- Approval of the June 4, 2024 combined Briefing and Regular meeting minutes
- Approval of the June 18, 2024 combined Briefing and Regular meeting minutes
- Approval of the May 2024 Tax Collection Report
- Budget Amendment to establish 3 new conservation easements and the Conservation Easement Administration project for Kestrel Herb Farm, Sandy Holler Farm and Battle Forest

PUBLIC COMMENT

Tracy Hawkins represented 8 community members and spoke for 10 minutes to oppose the decision to close the French Broad Outfitters (FBO) at Hominy Creek.

Dylan Simpson also spoke against closure of the FBO.

Roberta Synal also spoke against closure of the FBO.

Nick Rutherford also spoke against closure of the FBO.

Stephanie Philips spoke in favor of revitalizing agriculture in Buncombe County.

Deborah Hogg and husband James Hogg requested assistance in getting help from NC Wildlife Resources to help address an aggressive bear in their neighborhood on Town Mountain Rd.

Fred Fredman also spoke about the aggressive bears on Town Mountain and suggested signs on Town Mt. rd that remind folks to not feed the bears.

Andrea Morris spoke about SaFlow Yoga and community.

Todd Lester, a volunteer with Braver Angels, a cross-partisan group, invited the Commission and public to attend a Town Hall: Restoring Trust in Elections.

Jerry Sams also spoke in opposition of closing FBO.

Peter Throuou spoke about tree branches blocking signs; New leister highway and Mr. Vernon intersection being a high speeding area and requested police presence; and advocated for street numbers to be added on home and business.

PRESENTATIONS

- **July 2024 as Parks and Rec Proclamation**

Commissioner Wells read the proclamation which was accepted by Thomas Gull and members from the Parks and Recreation Department. Gull thanked the Commissioners for their support and introduced Carol Peterson, chair of the Parks and Rec Advsiory Board. On behalf of the board, Peterson congratulated and recognized the work of P&R staff for their work in our community.

PUBLIC HEARINGS

- **Public Hearing to consider rezoning Yates Ave from R-1 Residential and CR Conference Resort to R-1 Residential**

Haylee Madfis, Planner II explained Seyed Hesam Sadeghian Motahar has requested to rezone one (1) parcel of land identified as tax lot PIN 0629-76-3339 (99999 Yates Ave) from R-1(Residential) and CR (Conference Resort) to R-1 (Residential). She noted that the Planning Staff recommends approval of this request and that the Planning Board unanimously recommended approval of the request at their meeting in June.

Chairman Newman opened the public hearing at 6:04. There were no speakers, and the public hearing closed at 6:05 p.m.

Commissioner Sloan made the motion to approve as presented and the motion was carried unanimously.

NEW BUSINESS

Chairman Newman made the motion to appoint Commissioner Moore to serve as the North Carolina Association of Counties delegate and for Commissioner Edwards to serve as the alternate member. The motion was seconded and carried unanimously.

- **Budget Amendment to accept grant funds from the NC Department of Public Safety to expand the Medication Assisted Treatment (MAT) program**

John Hudson, Budget Director explained that The Sheriff's Office applied for and was awarded \$265,000 from the NC Department of Public Safety to expand the Medication Assisted Treatment (MAT) program in the Buncombe County Detention Center. Funding will be used to increase MAT staff contracted through the detention center's medical staffing contract. The period of performance is 36 months, and no County match is required. Commissioner Beach-Ferrara made the motion to approve. The motion was seconded by Commissioner Sloan and carried unanimously.

- **Resolution authorizing the execution of Opioid Settlements and approving the second supplemental agreement for additional funds**

Victoria Reichard in the Legal Department explained that a settlement has been reached in litigation against the Kroger Co. ("Kroger") defendants in the continuing Opioid lawsuits. She explained that representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements. The settlement totals \$1.2B. Other than the fact that Kroger settlement proceeds will only flow into the 35 states Kroger operated in (as well as Tribes), as opposed to all states and territories, this settlement process will be almost identical to the almost \$60 billion in deals over the last few years. Only the state-to-state allocation was adjusted to reflect Kroger's market share. Final shares will be determined after the August 12, 2024 opt-in deadline. Commissioner Wells made the motion to approve. The motion was seconded, and it was carried unanimously.

- **Authorization to execute two construction contracts with Ryse Construction at 35 Woodfin Street for 1) Forward Facing Facility renovation; and 2) 911 Backup Center renovation and; 3) approve budget amendments to reallocate funds**

Scott Metcalf, Project Manager in General Services explained that this action to establish a project in the Capital Projects Fund with a budget of \$3,814,670 to relocate the 911 Backup Center from its current location in the municipal building to 35 Woodfin. This will be a fully functional backup 911 center with redundant systems to maintain the County's Public Safety Answering Point. The existing FY22 911 Backup Center project in the 911 Special Revenue Fund will be closed. The new project will be funded by reallocating budget from the existing FY23 Solar on Schools & Public Buildings project and FY24 35 Woodfin Renovation for Forward Facing Facility project. Additionally, staff requests to secure two contracts with Ryse Construction for the two projects. Metcalf explained that the 35 Woodfin Renovation is a continuation of the implementation of the Comprehensive Facilities Plan that was approved in June of 2021. He further explained that this action is to establish a project in the Capital Projects Fund with a budget of \$3,814,670 to relocate the 911 Backup Center from its current location to 35 Woodfin. The new capital project will be funded by reallocating budget from the existing FY23 Solar on Schools & Public Buildings project and FY24, 35 Woodfin Renovation for Forward Facing Facility project. Commissioner Edwards made the motion to approve the projects as presented. Commissioner Whitesides seconded the motion and it was carried unanimously. Commissioner Wells made a motion to approve the budget amendments as presented. The motion was seconded by Commissioner Edwards and carried unanimously.

- **Authorizing Fiscal Year 2025 FTA Section 5307 Fund Rescission to City of Asheville with conditions**

William High, Lead Transportation Planner explained that the Federal Transit Administration (FTA) requests subrecipients expend expiring transit funding. Buncombe County, because of existing FTA CARES and ARPA funding that must be expended first, will be unable to expend expiring transit funding in advance of expiration. Recognizing these constraints, and in support of the City of Asheville's funding needs for its ART transit system, County transportation staff recommend the Board of Commissioners consider rescinding funds to the City of Asheville to support its FY2025 activities. The following funding amounts in the following funding categories are recommended to be rescinded: \$512,430 in FY2018 Section 5307 annual allocations; \$72,319 in FY2018 Section 5307 JARC (Job Access Reverse Commute); \$763,168 in FY2019 Section 5307 annual allocations; and \$26,880 in FY2019 Section 5307 JARC. High explained that accepting the funds under the expectation that no additional funds will be requested for the continued operation of the New Leicester Highway Extension & Route 170 in FY2025; rescinding \$138,830 in FY2025 Section 5310 Traditional funds to Buncombe County to support County transportation for older adults and individuals with disabilities; Evaluating WE2 Route changes to improve safer connection to Buncombe County's Enka Candler Trailblazer Route; and evaluating increased trip frequency for the S3 and S6 routes serving south Asheville. Chairman Newman showed support and further encouraged the City to look into areas in or near Hendersonville Road, in South Asheville. He clarified that this Board vote is for a point in time and not for multiyear. Manager Pinder explained that the City is requesting a change in the formula that awards funding amounts, so the City will likely have a higher percentage in future years. Commissioner Sloan made the motion to approve. Commissioner Whitesides seconded the motion and it was carried unanimously.

- **Resolution to support the approval to not prohibit Mountain Housing Opportunities, Inc. From seeking property tax exemption for its Lakeshore Villas project consistent with the FY2025 Affordable Housing Services Program (AHSP)**

Chairman Newman explained that at its June 4, 2024 meeting, the Affordable Housing Committee voted to bring forward a recommendation to the Board of Commissioners to not prohibit Mountain Housing Opportunities, Inc. (MHO) from seeking property tax exemption for its Lakeshore Villas project. This removal of prohibition would be consistent with the standards of the Board of Commissioner's adopted FY2025 Affordable Housing Services Program (AHSP) though the project was originally approved under the FY2024 AHSP which specifically prohibited seeking property tax exemption. MHO's Lakeshore Villas project will provide 120 affordable units for rent to low- and moderate-income households. The project is supported by \$3,618,318 in AHSP Loans using General Obligation bond funds and up to \$2,776,616 in Buncombe County COVID Recovery Funding provided as a grant. He further explained that this recommendation is in the best interest of the County's Affordable Housing goals. Commissioner Wells ask if the projects meet the requirements and Chairman Newman confirmed that they all do. Commissioner Whitesides made the motion to approve. Commissioner Edwards seconded the motion, and it was carried unanimously.

- **Resolution in support of prioritizing public schools and opposing unaccountable, taxpayer-funded private school vouchers**

Commissioner Wells explained her strong concerns with the NC General Assembly's proposed legislation. She noted the significant funding impact of the legislation and noted that public schools serve all our community, and do not exclude anyone. Strong public schools provide opportunities for all students. Commissioner Edwards agreed and noted that importance on public schools and the inclusive resources it provides for families and our community. Commissioner Whitesides also noted his concern that private schools can turn students with disabilities away, whereas public schools accept everyone and that's where tax funds should be going. Commissioner Moore highlighted the importance of this resolution's call to action, which is to 1. Substantially increasing teacher salaries in order to pay teachers as the professionals they are and to attract and retain qualified educators; and 2. Allocating significant funding towards early childhood education, quality childcare, and pre-kindergarten programs to ensure all children have access to a strong educational foundation; and 3. Placing a moratorium on taxpayer-funded private school vouchers until public schools are fully funded, ensuring taxpayer resources are invested in accountable and regulated public education institutions. Commissioner Edwards moved to adopt the resolution of support. Commissioner Wells seconded the motion, and it was carried unanimously.

BOARD APPOINTMENTS

Commissioner Moore moved to appoint Adrian Sandler, Emily Nicholson, Pat Tuttle, and Sara Lappe to the Early Childhood Education. Commissioner Edwards seconded the motion, and it was carried unanimously.

Commissioner Wells moved to appoint Nancy Edgerton and David Tuch to the Land Conservation Advisory Board.

Commissioner Moore moved to appoint Board of Adjustment regular member, Carla Barnard to an Alternate seat, per her request and to get a recommendation from the Board of Adjustment as to which Alternate member to appoint to the vacated regular seat. The motion was seconded and carried unanimously.

Commissioner Wells moved to appoint Judy Lewis to the Asheville Buncombe Technical CC Board of Trustees. Commissioner Whitesides seconded the motion, and it was carried unanimously.

Commissioner Jasmine Beach-Ferrara provided an update on the Continuum of Care Board and an update on the Low-Barrier Shelter request for proposals process.

CLOSED SESSION

Michael Frue, Senior Attorney explained the need for the Commissioners to go into closed session, pursuant to G.S. 143-318.11(a)(3) to discuss potential litigation and 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, which privilege is hereby acknowledged and pursuant to GS §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Commissioner Moore moved to go into closed session for the reasons stated. The motion was seconded and was carried unanimously.

The Board heard the update and had discussion regarding the matters. No action was taken. Commissioner Sloan moved to adjourn the closed session and it was carried unanimously. The meeting was adjourned at 7:35 p.m.