

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS’
BRIEFING MEETING OF FEBRUARY 18, 2025.**

BE IT REMEMBERED: That the Board of Commissioners met to hold a Briefing Meeting on February 18, 2025, in the Commission Chamber at 200 College Street in downtown Asheville, North Carolina at 3:00 p.m.

Present: Chair Amanda Edwards; Vice-Chair Martin Moore; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Parker Sloan; Commissioner Jennifer Horton; Commissioner Drew Ball.

The following items were reviewed.

- FCC Update

Charles Merkley, Vice President of FCC provided an update on the solid waste pick up transition. He provided an update on 1.Cart Deployment; 2. Route Collection; 3.Call Center; 4.Service Improvements; and 5.Community Outreach. He explained that Current FCC Customer Count is 38,983 (3,285 additional households); 77,966 carts have been delivered through 02-07-25. FCC has completed decaling bear carts and continues to process new subscribers daily. Merkley explained the call center operations and that the call center receives approximately 296 per day. Merkley answered the Board’s questions related to missing carts, the local call center and the local business address, and the process for dispatching bins. Merkley clarified that customers could come to pick up bins. Commissioners expressed concerns about the delays and customer service. Merkley noted that FCC has not billed customers yet, and that they are trying to address issues with credit. Some Commissioners expressed concern about the service to-date. The Commission requested information about the contract and accountability. Dane Pederson, Solid Waste Director, explained that it is a punitive contract and that it states that 98% of routes should be covered by February.

- Helene Update

Avril Pinder, County Manager, introduced the following staff to provide updates regarding the ongoing recovery efforts. Dane Pedersen provided an update on debris management. He reported that 2,789 applications have been made for private property cleanup and 1,367 inspections have been made to date. Waterway pick up began on February 1 and 44,832 cubic yards have been collected to date. Matthew Cable provided an update on housing. He reported that resident households in FEMA TSA are 513, which is -249 since February 4th and that resident households in TSA in Buncombe County are 403. David Sweat provided an update on navigation and case management. He reported that Disaster Case Management (DCM) launched 12/19/24 and was launched to support households with creating and following personalized recovery plans. It is FEMA-funded, and state delivered. He further explained that all people who lived or worked in the impacted county qualify for DCM and that 730 cases have been opened. There are 7 State disaster case managers currently active in Buncombe County. He further explained that Buncombe County is actively promoting Disaster Case Management (DCM) to residents; however, Sweat noted that DCM staffing is currently insufficient to meet demand, but North Carolina Emergency Management (NCEM) is working to increase service levels. Nathan Pennington provided an update on the Hazard Mitigation Grant Program. He

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reported that the County has received 149 applications to date. He noted that factors considered in decision matrix are: Location of property relative to the Special Flood Hazard Area; Age of structure and code standard the structure was built to; Extent of damage sustained by the property by Tropical Storm Helene; Loss of real property sustained by the property; Documented history of flooding; Proximity to other public property and/or infrastructure and potential to facilitate/complement public projects within existing County adopted plans. Jennifer Harrison provided an update on Emergency Watershed Protection. She explained that County residents with damage or severe streambank erosion from Helene causing a threat to infrastructure could be eligible for the USDA EWP Program. The program addresses debris-clogged waterways and floodplain and unstable streambanks. She announced that the program site started yesterday, February 3. To close, Manager Pinder reminded the Board of the upcoming Recovery Resources events.

- Swannanoa Small Area Planning Update

Shannon Capezzali introduced the Swannanoa Small Area Planning update. She explained that the purpose is to work with elected officials, residents and community partners to draft a Small Area & Recovery Plan for the Swannanoa corridor. She explained that the process would be approximately 1.5 to 2 years to complete and there will be a series of upcoming engagement opportunities as the planning process launches.

- 2025 Bond Refunding

Mason Scott, Assistant Finance Director provided an update on the 2025 bond refunding. He explained that it would be 2015 LOBS refunding and the call date is June 2025. He noted the projects and explained that the refunding would not-to-exceed \$70 million. The refund could benefit schools, the county and AB Tech.

- Broadband Update

E.B. Odderstol provided an update on the broadband expansion. She gave an update on the three contracts, Skyrunner, Frontier and Bellsouth (AT&T). She explained that significant progress toward broadband expansion. There are 2,079 remaining unserved or underserved locations and an estimated 15,000 unserved or underserved locations. Additionally she provided and update on cellphone service and noted that as of October 20th, cell phone service recovery was over 98%, or within the range of normal operations

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REGULAR MEETING OF FEBRUARY 18, 2025.**

BE IT REMEMBERED: That the Board of Commissioners met to hold a Regular Meeting on February 18, 2025, in the Commission Chamber at 200 College Street in downtown Asheville, North Carolina at 3:00 p.m.

Present: Chair Amanda Edwards; Vice-Chair Martin Moore; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Parker Sloan; Commissioner Jennifer Horton; Commissioner Drew Ball.

Chair Edwards called the meeting to order at 5:00 p.m. and provided opening statements.

Consent Agenda

1. Approval of the January 16, 2025 Special Meeting Minutes
2. Approval of the February 4, 2025 Combined Briefing and Regular Meeting Minutes
3. Resolution approving Pyrotechnic Experts for Fireworks Display
4. Resolution Approving Abandonment of NCDOT Maintained Road SR 2157 Lovin Road
5. Resolution Requesting Road Addition for Country Oak Dr.
6. Resolution Authorizing the Designation of Signature Authority for Hazard Mitigation Grant Program Project Applications
7. Code Purple Interlocal Agreement with the City of Asheville

Commissioner Moore made the motion to approve the consent agenda. The motion was seconded by Commissioner Sloan and carried unanimously.

Public Comment

Anna Marcel Dettermanas, a member of the Bobcats group (Building Our Buncombe County Affinity Together), shared that her group is working to protect their community through peaceful resistance to anti-democratic actions. They are seeking public pledges from local leaders, and Black Mountain is considering a resolution. She asked that Buncombe County Commissioners follow suit.

Susan Schiemer, Chair of the Buncombe County Home and Community Care Block Grant Advisory Committee, emphasized the importance of maintaining funding for the county's supplemental aging services. She urged the commissioners to continue supporting these services, especially as the older adult population in Buncombe County is expected to increase.

Presentations

1. Black Legacy Month Proclamation

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Vice-Chair Moore read the Proclamation to Dr. Noreal Armstrong in recognition of Black Legacy Month in Buncombe County for 2025. Dr. Armstrong explained that Black Legacy Month is a time to celebrate the rich and diverse cultures of Black and African American people, to raise awareness about our shared history, to recognize that truth must come before reconciliation, and to acknowledge the important contributions that Black and African American people have made to our community and our nation.

2. Community Development Block Grant - Neighborhood Revitalization (CDBG-NR)- Quarterly Update

Matt Cable, Planning, Community Development Division provided the update on the Community Development Block Grant - Neighborhood Revitalization activities as required by North Carolina Department of Commerce (NCDOC) Rural Economic Development Division (REDD). He explained that CDBG-NR funds support the Buncombe County Home Repair Program for low- and moderate-income homeowners outside the City of Asheville. Asheville Area Habitat for Humanity has requested to exit this agreement with Buncombe County due to their ability to support this activity with other funding sources. County staff requested that the funds be redirected to Leading ARCHR, a local non-profit home repair provider group currently responding to Helene created emergency repair needs. By utilizing the CDBG-NR funding, Leading ARCHR anticipates completion of all home repairs previously identified and can leverage other funding sources and based on emergent needs.

Public Hearings

1. Public Hearing to Consider Long Shoals Road Rezoning – ZPH2024-00039

Haylee Madfis, Planner provided background information on the rezoning public hearing. She explained that the rezoning request was made by Bobby Haney, Suzanne Mossburg, Outdoor impressions LLC, Michael Schmitt, Sharon Anderson Tolley, and Kermit Tolley, and consist of rezoning 5.7 acres with eight parcels on Long Shoals Road from the current R-1 and R-2 zoning to CS zoning. She explained that Staff recommends that the rezoning of the parcels be approved as it is consistent with the recommendations from the Comprehensive Plan for potable water, density, proximity to transportation corridor, location outside of overlay districts, high/moderate hazard stability areas, floodplain and is located in close proximity to other CS zoned areas along the same corridor. While not completely consistent with the G.E.C. map, this area could be appropriate for more intense development as Long Shoals Rd emerges as a commercial corridor. She noted that this rezoning would resolve an ongoing code violation for the parcel located at 631 Long Shoals Rd and align with the pre-existing non-conforming commercial uses on the parcels located at 5 Curtis Dr. and 99999 Curtis Dr.

Brian Golden, Attorney representing the property owners provided a detailed overview of the location.

The Chair opened the Public Hearing at 5:41 p.m. There were no public comments received, and the Public Hearing closed at 5:41 p.m.

Commissioner Wells made the motion to approve the rezoning request, as it is consistent with the Comprehensive Plan. The motion was seconded by Commissioner Whitesides and carried unanimously.

County Manager's Report

1. Draft Legislative Agenda

Tim Love, Assistant County Manager provided background information and explained that today's feedback would be used to refine the legislative agenda for Board approval at a March 4 meeting. Love then introduced Trafton Dinwiddie, Legislative Lobbyist with Ward and Smith, who participated virtually and provided an overview of the proposed legislative agenda.

Top priorities included: Local Government Recovery and Stabilization Grants; Permanent Housing Solutions for Displaced People; Additional Support for Emergency Watershed Protection (EWP) Program Administration and Management.

Policy priorities included: Legislation delaying the scheduled equalization of public service companies due to the deferred FY25 property revaluations; and Support Additional Resources for Mental and Behavioral Health including emergency responders, law enforcement and state employees.

Appropriations priorities included: Additional state funding for state employees, including K-12 and Community College education employee salaries; Business Recovery Loans/Grants; Water and System Expansion and Redundancy; State funding for emergency response infrastructure, equipment and vehicles; and Reimbursement for Local School Consolidation Study Mandated by S.L. 2023-128.

The Commissioners expressed gratitude and their enthusiasm for the items proposed on the draft legislative agenda, noting that the proposed requests should be considered reasonable.

New Business

1. Public Service Property Tax Refund Request

Amy Broughton, Assistant County Attorney, provided background information. She explained that Delta Express, Inc. and Carolina Transportation, Inc. are seeking a tax refund for business personal property taxes they claim were erroneously paid due to the property being assessed as a regular business as opposed to a public service company for tax years 2021, 2022 and 2023. She explained that Delta and Carolina are requesting that the County refund them the difference between their business personal property listings for 2021, 2022 and 2023 valued as a normal business versus the property being valued as a public service company. The total refund for both companies for the three tax years would be \$216,719.40. Pursuant to N.C. Gen. Stat. § 105-381, and that the County Commissioners can only grant a tax refund to a taxpayer if the tax was imposed through a clerical error, an illegal tax or a tax levied for an illegal purpose. In North Carolina, an illegal tax is a tax imposed by the taxing authority without authority or taxing a property with a valid exemption. The County is allowed to tax tangible personal property. Additionally, overassessment is not one of the three valid defenses pursuant to N.C. Gen. Stat. § 105-381(a)(1). Pursuant to N.C. Gen. Stat. § 105-334(a), every public service company whose property is subject to taxation in this State shall prepare and deliver to the Department of Revenue each year a report showing (as of January 1) such information with regard to the property it owns and the system property it leases as the Department of Revenue

may by regulation prescribe. Neither Delta nor Carolina filed a public service company return with the DOR for tax years 2021, 2022 and 2023.

The Commissioners discussed their legal obligation and Vice-Chair Moore made the motion to deny the tax refund request. Commissioner Whitesides seconded the motion and it was carried unanimously.

2. Budget Amendments for Purchase Costs for Conservation Easements and Agricultural Growth Zone Match

Ariel Zijp, Farmland Preservation Program Manager provided background information related to the Agricultural Advisory Board (AAB) requests 50% of purchase costs for three conservation easement projects totaling \$1,394,500. She explained that the Board of Commissioners previously approved transaction costs related to these three easements out of the annual Conservation Easements funding in the Special Projects Fund. The County has also been awarded \$1,945,443 from the North Carolina Department of Agriculture for conservation easement transaction and purchase costs. This grant has a required match of \$2,345,443, which will be obligated by ordinance. She noted that all projects funded by this grant will come to the Board of Commissioners at future meetings for individual approval and that these items align with the 2025 Strategic Plan Goal: Preserve farmland and environmentally sensitive tracts.

The projects consist of:

- Kestrel Herb Farm, +/- 70 acres in Sandy Mush - \$259,000
- Sandy Hollar Farm, +/- 150 acres in Sandy Mush - \$760,000
- Battle Forest, +/- 167 acres in Candler - \$375,500

Commissioner Wells thanked staff for all the work and the Board and residents for supporting these ongoing efforts, noting that Buncombe County was awarded the largest award in this program. She also thanked the land owners for their commitment to the program.

Commissioner Sloan noted that this is a great example of how bond money leverages outside dollars to meet local needs and the importance of leveraging outside dollars.

Commissioner Wells made the motion to approved the budget amendment and for the open space bond match. The Motion was seconded by Commissioner Sloan and carried unanimously.

Board Appointments

The Commissioners discussed and voted to reappoint Glenda Weinert to the Audit Committee; and to reappoint LeeAnne Tucker and Johnnie Grant to the Health and Human Services Board. The Commissioners requested to hold interviews for the nine applications for the Community Entertainment Facilities Commission on before the next meeting, on March 4. Lastly, the Commissioners requested to continue advertising for the current vacancies on the Historic Resources Commission and Planning Board.

Closed Session

Amy Broughton, Assistant County Attorney explained and read the motion to go into closed session 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, which privilege is hereby acknowledged. The purpose is to consider retaining a law firm to join a class action lawsuit. The statutory authority is contained in G.S. 143-318.11(a)(3). She explained that there will be no formal action taken at this time. Vice-Chair Moore made the motion to go into closed session. The motion was seconded by Commissioner Whitsides and carried unanimously.

Meeting adjourned at 6:22 p.m.