

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JUNE 3, 2014 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on June 3, 2014, in the Commissioner Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 4:30 p.m. where and when the following business was transacted:

The Chairman called the meeting to order with the following members present:

David Gantt, Chairman  
Ellen Frost, Vice Chair  
Joe Belcher, Commissioner  
Mike Fryar, Commissioner  
Holly Jones, Commissioner  
David King, Commissioner  
Brownie Newman, Commissioner

Staff present was: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/HHS Director; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Mike Frue, Senior Staff Attorney; Bob Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

## **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

*The Chairman reminded the Board that in accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. He asked if any Board member had any known conflict of interest or appearance of conflict with respect to any matter coming before the Board. None were mentioned.*

### **PUBLIC COMMENT**

Bonnie Shavone from Black Oak Drive asked the Board to revisit the site in her neighborhood where a house was removed by the County due to slope failure. She said that the issues that lead to the land slide are still a problem.

Eddie Harwood presented two letters regarding possible misconduct against the Register of Deeds for closing his office without permission of the Board of Commissioners and Commissioner Jones for voting on the budget that included the YWCA.

Commissioner Jones clarified that she was not employed by the YWCA of Asheville.

Julie Shirley and Amy Bosley, representing a parent driven organization supporting the schools, shared concerns and the organization's opposition to the cuts in funding included in the state budget, especially in teaching positions for the lower grades. They requested a time to meet with the Board of Commissioners prior to their adoption of the County's FY15 budget.

Lisa Baldwin asked for a meeting with the Board before the Commissioners passed the budget for the year. She said that Buncombe was ranked 96 in per pupil funding.

Commissioner Fryar said that Buncombe County spends \$49 million on Buncombe County schools not counting Asheville Buncombe Technical Community College and the City of Asheville. He said that decisions on where the funds are spent, is a decision of each individual School Board not the Commissioners.

Commissioner Frost agreed with Commissioner Fryar's comments stating that all members of the Board are very supportive of the schools and students.

Chad Nesbitt agreed with the comments made by Eddie Harwood. He thanked Commissioner Belcher and the County Permits office for fixing a situation at Mission Hospitals involving handicapped access.

Patrick Erwin spoke for the chain free Asheville campaign asking that the County pass an ordinance banning the chaining of dogs.

Jerry Rice questioned the Commissioners' ethics in the purchase of property at the May meeting.

Marylin Walker urged the Commissioners to pass an ordinance banning the chaining of dogs.

### **DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA**

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

- **Approval of Minutes of April 15, 2014 Regular Meeting**
- **Adoption of Emergency Management Ordinance for Buncombe County**
- **Resolution of Intent to Convey by Non-Warranty Deed – DeBord**
- **Resolution of Intent to Convey by Non-Warranty Deed – Beddingfield**
- **Resolution of Intent to Convey by Non-Warranty Deed – Weiner**

- **Resolution Authorizing Assignment of Bid - Shelton**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Resolution Authorizing the Execution of an Agreement with NCDOT Related to the Development of a Community Transportation Services Plan**
- **Budget Amendments**
  - **Fund 10 - Replace defective mobile radios (\$215,000)**
- **Capital Projects Ordinance**
- **Grant Projects**

## **PUBLIC HEARINGS**

- **Camp Rockmont & Lake Eden**

Josh O'Connor, Zoning Administrator, reviewed the staff analysis of each of the properties proposed to be rezoned CR (conference center/resort) districts. He said that representatives of Camp Rockmont and Lake Eden had request rezoning to CR district and the Planning Board and Planning staff had found that these map amendments were consistent with the Land Use Plan and were approved by the Planning Board.

The Chairman opened the public hearing to consider the rezoning of Camp Rockmont to CR at 5:08 p.m. There were no comments and the hearing was closed at 5:09 p.m.

Vice Chair Frost moved to approve this rezoning as requested. Commissioner King seconded and the motion passed 7-0.

The Chairman opened the public hearing to consider the rezoning of Lake Eden to CR at 5:14 p.m.

Jerry Rice asked if the property was on the highway or off the highway. (*The zoning administrator pointed out the property on the map attached*) The hearing was closed at 5:17 p.m.

Vice Chair Frost moved to approve the rezoning as requested. Commissioner King seconded and the motion passed 7-0.

- **Douglas P Van Wirt for the Cove**

Josh O'Connor, Zoning Administrator, said that this rezoning was very similar to the previous request and would bring this property into the CR district. The Planning Board and staff found that the rezoning was consistent with the Land Use Plan and the request was approved by the Planning Board.

The Chairman opened the public hearing at 5:19 p.m.

Jerry Rice questioned why these large tracts of land were being rezoned.

The Chairman closed the hearing at 5:21 p.m.

Commissioner Jones moved to approve the rezoning as requested. Commissioner Newman seconded the motion and it passed 7-0.

- **Brent Haddas for the YMCA Blue Ridge Assembly**

Josh O'Connor, Zoning Administrator said that the Planning Board and staff found this rezoning to the CR district consistent with the Land Use Plan and it had been approved by the Planning Board.

The Chairman opened the hearing at 5:23 p.m. No comments were taken and the hearing was closed at 5:24 p.m. Commissioner Belcher moved to approve the rezoning as requested. Commissioner Newman seconded and the motion passed 7-0.

- **Enka Intermediate School Site**

Josh O'Connor, Zoning Administrator, said the property should be rezoned from employment to public service in order to allow education facilities in the district. He said that the Planning staff and Planning Board had found that the rezoning would be consistent with the Land Use Plan and was approved by both.

The Chairman opened the hearing at 5:26 p.m.

Lisa Baldwin said that the rezoning should not be approved and the site should not be used as a school as the property was contaminated and next to a toxic landfill. She said that the property was an unlined industrial landfill, had toxic vapors and nothing should be built on the property.

Michelle Pace Wood said she supported the construction of the school which would alleviate the crowding problem at the middle school. She urged the Board to approve the rezoning pointing out that the property had a third party, outside vender say the land was safe.

Betty Dial spoke about the CTS site and the lack of cleanup of the contamination. She felt the site in question was in the same situation. She wanted this site to not be rezoned so it would not be used as a school site.

Dr. Tony Baldwin, County School Superintendent, said that there was a huge need for this school due to overcrowding. He said that the contamination on the old CTS site was a serious situation; however, the proposed Enka Intermediate School site was not CTS and to compare the two was to spread misinformation.

Jerry Rice said that the property was contaminated and near a brownfield site.

Walt Currie, Attorney representing the Buncombe County Schools, said that in 2001 BASF Corporation had a site assessment prepared for this site with an annual action report. In addition, the County School Board had an additional assessment done that found no contamination in the water or soil or Hominy Creek.

The Chairman closed the hearing at 5:42 p.m.

Commissioner Jones said that Dr. Baldwin had provided each of the Commissioners with the reports that show no contamination and a clean property assessment.

Chairman Gantt moved to approve the rezoning as requested. Commissioner Fryar seconded and the motion passed 7-0.

- **Enka Intermediate School – additional property -- Josh O'Connor as Zoning Administrator**

The Chairman opened the public hearing at 5:46 p.m.

No comments were taken and the Chairman closed the hearing at 5:47 p.m.

Commissioner Belcher moved to approve the rezoning as requested. Vice Chair Frost seconded and the motion passed 7-0.

The Chairman thanked the school board members for their time in making sure that this was safe for a school site. He also thanked Commissioners Belcher and King for their work to make sure that a new school was provided for this area.

## **NEW BUSINESS**

- **Budget Message FY2015**

Wanda Greene, County Manager, presented the budget message for FY2015. Her presentation is attached to the minutes of this meeting. She did not propose an increase in the tax rate, keeping all rates at the 2014 level. She addressed the federal government requirements that result in staffing level increases and technology investment. She felt that these problems would not be resolved in 2015. The Manager said that the current tax rate does not have room for an increase for teachers or schools and perhaps a supplemental tax would be the answer. She reviewed the capital plan including the planned parking deck for Coxe Avenue and the new building addition.

The public hearing on the budget will be held on June 17 at 4:30 p.m. The Manager thanked Donna Clark, Finance Director; Blair Chamberlain and Autumn Lyver and Diane Price the Budget Officer for their hard work on the budget.

Vice Chair Frost thanked everyone for their hard work and asked whether it would be possible to move the services provided at the 40 Coxe facility out of downtown to lower the expense of an addition to that building and parking deck. The Manager said that a new facility would require 20 acres and would need to be on the bus line. Jon Creighton, Assistant County Manager, said that the transportation issue would limit the location of this facility. Commissioner Belcher felt the property at 40 Coxe was very valuable and urged the search for an alternate location. The Manager said that staff would investigate.

Commissioner Jones said that the City would work with the County on bus routes if that was something needed.

Commissioner Fryar suggested that locations along US 70 be considered. The Manager reminded the Board that there would be federal money involved in a parking deck construction that would include restrictions on use of the deck.

Commissioner Newman asked that the Board consider a lower total cost wherever the facility was located.

Commissioner Jones asked why the issues with the NC Fast system would not be resolved soon. The Manager said that this is a State system that the County is required to use. The affordable care act guidelines and the amount of data collected have caused problems that many counties across the State are experiencing.

Commissioner Jones said that citizens should have the ability to comment on the state budget process and the state should work closer with local school administrators and keep them informed.

- **Designation of Voting Delegate for National Association of Counties Conference (July 11-14)**

Commissioner King moved to have Chairman Gantt be the voting delegate for the National Association of Counties conference in July. Commissioner Jones seconded and the motion passed 7-0.

## **BOARD APPOINTMENTS**

Commissioner Jones moved to appoint **Bryan Moffitt** to the **Historic Resource Commission**. Commissioner Fryar seconded and the motion passed 7-0.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *This next meeting will be June 17 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *The public hearing on the budget for FY2015 will be held on June 17 during the regular meeting.*
- *Commission meetings can be seen on:*
  - *WBCTV Charter Cable Channel 192*
  - *AT&T U-Verse Channel 99*
  - *Live on BCTV Channel 192 and on buncombecounty.org during the meetings or*
  - *Online anytime at buncombecounty.org*

Vice Chair Frost moved to adjourn the meeting. Commissioner Belcher seconded and the motion passed 7-0  
The meeting was adjourned at 7 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS