

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF FEBRUARY 19, 2013 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 19, 2013, 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
Holly Jones, Vice Chair
Joe Belcher, Commissioner
Ellen Frost, Commissioner
Mike Fryar, Commissioner
David King, Commissioner
Brownie Newman, Commissioner

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

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman gave the 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 stated.

PUBLIC COMMENT

The Chairman reviewed the rules for public comment stating that the official business of the County had concluded and public comment would be taken under the following rules:

- *The time limit for any comment to the Board is three minutes.*
- *If your time expires then you may leave any questions along with your name, address and phone number with the County Manager.*
- *Board members are not expected to comment on matters during public comment.*
- *Comments should be limited to subjects that are within the jurisdiction of this Commission or pertain to matters upon which it may act.*
- *Any individual speaking during public comment shall address the entire Board. Any polling of Board members is inappropriate.*
- *Persons addressing the Board are expected to observe the decorum of the Chamber, and to be respectful of everyone in the room.*
- *Any person who willfully interrupts, disturbs, or disrupts the session will be asked to leave the meeting.*
- *The Board reserves the right to deny public addresses on a subject previously presented to the Board.*

Mark Rosenstein, Project Manager for GO Kitchen Ready Program, requested funding from the County for FY 2014. He reported on their success in 2012. One of the graduates of the program thanked the Board for their support and said that this program had made a positive impact on his life.

Janet Jones from District 2 asked the Board not to vote to approve the funding for the STEM High School due to hazardous waste on the proposed site. She also questioned the cost to the County of the President's recent visit .

Vivian Diels spoke against the funding of the STEM school due to contamination on the site.

Linda Humphries from Barnardsville spoke against the STEM school and asked for due diligence before approving the request for funding.

Tom Holland asked for a change in the location of this school because the Square D facility should be considered a hazardous waste site.

Peggy Bennett expressed her concern for the design of the Leicester Highway project. She invited Commissioners Newman and Jones who were on the French Broad Metropolitan Planning Organization to tour the area.

Don Yelton said that every high school should be preparing students for the future and he wanted more facts before the STEM school location.

Dave Ogren requested more testing be done on the site for the STEM school.

Jerry Rice spoke against the STEM high school and the possibility of contamination. He was opposed to tax money being spent with non-profits.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Commissioner Jones moved to approve the consent agenda as presented. Commissioner King seconded and the motion passed 7-0.

- Approval of Minutes of the February 5, 2013 Regular Meetings
- Grant Project Ordinance
- Solid Waste Capital Project Ordinance
- Release Report

GOOD NEWS

- **Blue Ridge Parkway Report – Phil Francis, Superintendent**

Mr. Phil Francis, Superintendent of the Blue Ridge Parkway, said that he would be retiring on April 1, 2013. He reviewed the recently adopted General Management Plan for the Blue Ridge Parkway and highlighted accomplishments including the construction of the Parkway Information Center, a land exchange with the Town of Blowing Rock adding considerable acreage to the parkway; and the addition of concession contracts for many of the park locations along the parkway. He said that \$2.2 billion is spent by those that pass through the parkway each year.

Following his presentation, Commissioner Belcher moved to set aside April 1, 2013 as the Phillip Francis Day in Buncombe County. Commissioner King seconded and the motion passed 7-0. Chairman Gantt presented a plaque and county seal blanket to Mr. Francis.

PUBLIC HEARINGS

- **Rezoning Request – Matthew Lyerly for PIN 9629-24-1922; 9629-157269 to Commercial Service**

Debbie Truempy, County Planner, said that Mr. Lyerly had asked for rezoning of his property from residential to commercial service. His property is located on Old County Home Road and New Leicester Highway. The Planning Board and staff found this request to be consistent with the land use plan. On January 4, the Planning Board held a public hearing and found the request to rezone was consistent and reasonable and in the public interest. The Chairman opened the hearing at 5:21 p.m.

Sam Edgerly said his property adjoined the subject property and he was concerned about what could be built there and the fact that his property lines are not right.

Seth Lyerly said that he and his brother plan on locating a small shop to work on equipment and a base of operation for his grading company. They plan on placing storage units on this property in the next 5 years.

Jerry Rice asked why one of the Planning Board members voted against this rezoning.

Joseph Spivey owns the property next to the subject property and was concerned with undesirable uses that could be placed on this property. He was opposed to the rezoning.

The Chairman closed the public hearing closed at 5:30 p.m.

Commissioner Fryar asked to postpone action until the Board had a chance to better review the request.

The County Attorney said that property boundaries are not something that the Planning Board or Commissioners get involved with and that any rezoning would go with the owner and parcels.

Following further discussion, Commissioner Fryar's motion died for lack of a second.

Commissioner Newman moved to approve the zoning as recommended by the Planning Board finding that it was consistent with the Land Use Plan. Commissioner Frost seconded and the motion passed 6-1

as follows:

AYES: Chairman Gantt; Vice Chair Jones; Commissioners Belcher, Frost, King and Newman.
NOES: Commissioner Fryar.

NEW BUSINESS

- **French Broad River Metropolitan Planning Organization (FBRMPO)**

Lyuba Zuyeva, Planner with Land of Sky Regional County and the FBRMPO, gave the power point that is attached to the agenda of this meeting. She requested the Board approve the Memorandum of Understanding as required by the State with the changes she reviewed.

Commissioner Jones moved to approve the MOU. Commissioner Frost seconded the motion and it passed 7-0.

- **School Capital Commission Fund Ordinance**

Tony Baldwin, County School Superintendent, recognized members of his Board and staff present. He said that there was a great deal of enthusiasm for the STEM school from the business community and colleges and universities. The lottery funding used for this project was restricted to capital needs and can't be used for operations. The funds requested are existing funds that are available. The funds would be used to renovate and construct the Science Technology Engineering and Math (STEM) High School. STEM jobs are growing 60 percent faster than any other career field.

Dr. Baldwin gave this history of the project starting with the closing of the Career Education Center in March of 2011 and a community involvement plan began the planning for this STEM high school. The use of lottery funds for this capital project would open the school in August of 2014.

Dr. Baldwin said that the School Board did its due diligence and went over and above any standard in their investigation of contamination at this site. The project had been delayed by one year because of the concerns and as a result, the School Board committed to significant testing on this site. Additional monitoring and testing were put in place with no contamination found detected.

Commissioner Frost thanked Dr. Baldwin for his work on this project.

Commissioner Fryar asked if Owen High School could be used as the location for this special high school instead of putting it on the location in question. Dr. Baldwin said that regardless of where the high school is placed it will be completely different from any existing high school. While there is space in existing high schools, none have the space for this innovative concept that could qualify for additional funding from the state. These funds could cover 60 percent of the operational costs.

Vice Chair Jones moved to approve this School Capital Commission Fund Ordinance.

Commissioner Frost seconded the motion.

Commissioner Newman said that he understood that the County Board of Education had tested 8 soil test sights and 2 wells sites with all testing negative for contamination. They will do additional testing to continue to confirm no contamination for four years. Commissioner King also confirmed that all city water would be used on this site.

The motion passed 7-0.

- **Resolution Regarding the Leicester Highway**

Commissioner King said that members of the Leicester community had asked that the Board endorse a resolution asking NCDOT officials to meet with the community to find a solution that addressed the needs of the community in reference to the Leicester Highway improvement project. Commissioner King moved to approve the resolution. Commissioner Belcher seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Commissioner Belcher moved to appoint **Mike Fryar** to replace Mandy Stone on the **Asheville Buncombe Technical Community College Board of Trustees**. Commissioner Frost seconded and the motion passed 7-0.

Commissioner Frost moved to appoint **Commissioner King** to the **Riverfront Development**

Board. Commissioner Newman seconded and the motion passed 7-0.

Commissioner Fryar moved to appoint **Commissioner Belcher** to replace Max Haner on the Metropolitan Sewerage District Board; Commissioner Newman moved to appoint **Commissioner Frost** to replace Jon Creighton on the **Metropolitan Sewerage District Board**. The motion passed 7-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be March 5 at 4:30 p.m. in Chambers at 200 College Street, Room 326, 3rd Floor*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 2*
 - *AT&T U-Verse Channel 99*
 - *Live on buncombecounty.org during the meetings or*
 - *Online anytime at buncombecounty.org*

Commissioner Belcher moved to adjourn the meeting. Vice Chair Jones seconded and the motion passed 7-0. The meeting was adjourned at 6:32 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS