

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JUNE 25, 2013 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on June 25, 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; Mandy Stone, Assistant County Manager; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Mike Frue, County Attorney; Stacey Woody, Deputy 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:

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.

Hope Herrick of West Asheville felt citizens should have had all the details for Project X and it shouldn't have been kept a secret and that Dickson Elementary should not be replaced.

Jerry Rice said that there was an agenda, then another agenda and that was confusing. He felt the citizens were not informed on the budget. Information was not given out in an organized manner. There have been many things added that weren't on the agenda for the public hearing.

Anthony Strickland, a former AB Tech student commented on his experience at the college in the nursing program. He asked that the college program be reviewed.

Dave McFarland is the owner of Wild Wing Café and is looking to grow and expand and add a south location. He needed some direction from the county and his realtor asked for direction. He is very appreciative to Commissioner Belcher, Wanda, and Commissioner King for listening and giving him direction.

Mr. Smith felt the Tax Office was showing favoritism to some property owners and cheating others. A house on his street was improved by doubling the square footage and an apartment was created in the basement, but the homeowner is still paying the same taxes.

Alan Ditmore commented on a tax lot and that the Dickson school was not necessary. He was pleased that the County was providing contraceptives to people without documentation of income.

Don Yelton felt that 3 minutes was not enough time for public comment. He wanted more transparency.

Rick Watson of Swannanoa said a man should be able to do whatever he wants to do with his property.

Steve Agan, Isaac Dickson parent, thanked the Commissioners for taking the time to meet with him and for the new building plan.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Commissioner Frost moved to approve the agenda with some changes in the order that will be reflected in the minutes. Commissioner Newman seconded and the motion passed 7–0.

Consent Agenda

- Approval of Minutes of May 28 and June 4, 2013 Regular Meetings
- Resolution Approving Pyrotechnic Experts for Firework Displays
- Approval of the Fair Housing Plan Update
- Release Report
- Resolution Awarding Service Firearm to Retiring Deputy (Bill Saylers, Caton McBride, Richard Baird)
- Approval of Department of Health Billing Guide
- Resolution Authorizing the Execution of a Maintenance Agreement related to the NCDOT Safe Routes to School Program for Owen Middle School
- Resolution Authorizing the County Manager to Execute an Agreement with the City of Asheville for Transportation Funding
- Resolution Expressing Support for House Bill 334- An Act to Augment the Uses of Certain Moneys in the Buncombe county School Capital Fund
- Budget Amendment: Fund 10 – interfund transfer for social services technology \$44,280
- ABTCC Capital Projects Ordinance FY 13
- Capital Projects Ordinance FY13
- Grant Projects Ordinance FY13
- Solid Waste Capital Projects Ordinance FY13
- Certified Budget Summary
- Special Projects Ordinance FY14
- Capital Projects Ordinance FY14
- School Capital Projects Ordinance FY14
- Resolution Declaring the County's Intent to Reimburse Itself for Capital Expenditures Incurred in Connection with Construction of an Intermediate School in Enka; construction of a Bridge in Enka; Installation of an Elevator and Replacement Roof in the Detention Center; Installation of an Elevator and Replacement of ABAC Equipment in Sheriff's Office; Construction of a Public Safety Training Facility Classroom Building and Parking Deck at AB Tech and Construction of an Allied Health and Workforce Development Building at AB Tech, either new Facility of Renovation of Existing Facility from Proceeds of Certain Tax Exempt Obligations to be Executed and Delivered in FY14

GOOD NEWS

- **Proclamation of Nelia Hyatt Day**

Marilyn McCrady talked about Mrs. Hyatt and how she had been the estuary for mountain music to the people. She thanked Commissioner Belcher for recognizing Mrs. Hyatt and her contribution to the County's heritage. Commissioner Belcher read the proclamation and presented it to Mrs. Hyatt.

- **Proclamation Honoring Dave Herbert**

Commissioner Frost said Buncombe County had some extraordinary partnerships lead by quiet heroes and Mr. Herbert was one of these heroes. Sheriff Duncan said the County was fortunate to have had Dave as a volunteer on the Crimestoppers Board where he had overseen thousands of tips and crimes solved. Commissioner Frost read the proclamation and presented it to Mr. Herbert.

- **Proclamation of Grove Park Inn Day**

Vice Chair Jones introduced Dave Beatty, the Human Resources Director for Grove Park Inn and noted that the Inn will be 100 years old on July 12. Mr. Beatty thanked the Commissioners stating that he hoped the Grove Park would continue to thrive for another 100 years.

- **National Association of Counties Award of Excellence**

Commissioner Gantt presented the 2013 achievement award to Mandy Stone, Assistant County Manager and Health and Human Services Director for the integration of Health and Human Services.

PUBLIC HEARING

- **Zoning Text Amendment – Motor Sports Facility**

Josh O’Conner, Zoning Administrator, explained the request for a zoning amendment to allow the creation of a Motor Sport Facility. He said that the Planning Board recommended denial of the amendment which concurred with the staff recommendation. He pointed out that this amendment was not for a specific parcel – it could potentially affect any parcel zoned or rezoned to EMP or CS. Motor sports facilities are currently allowed in the Open Use district which occupies about 80% of the county’s zoned area. Mr. O’Connor said that the Planning Board denied the motion in a 4-4 vote. Following some questions from Commissioners, Chairman Gantt opened the hearing at 5:42 p.m.

Albert Sneed, attorney for Mr. Ogle, the petitioner, was allowed 10 minutes for his presentation. Mr. Sneed said in most commercial areas, noise exists anyway and the proposed facility was a practice facility. He presented petitions from people in Swannanoa who wanted the facility approved (attached to the minutes).

Dean Pistor, realtor, was opposed to the rezoning, stating that this zoning change would make property less desirable and would affect more than Swannanoa.

Steffi Rausch, resident of Lytle Cove was not for the motocross. She had questions about the regulation of the facility and asked the Board to vote against the facility.

E. K. Morley, an attorney with a second residence on Lytle Cove was opposed to the facility and the negative impact it would have on the community.

Sid Blake, local realtor, was opposed to the facility and concerned for the people who own property near it because it would affect property values.

R. J. Del Vecchio, neighbor of the property on Lytle Cove and a chemical engineer, was concerned about the noise, stating that motocross vehicles gave off an unrelenting sound which can go up to 130 decibels. He said that 80 people signed a petition against the facility including citizens 1.5 miles up the mountain.

Cynthia Papadopoulos lives in Swannanoa and was opposed to the requested zoning change.

Garin Wilson, a 13 years old who races motocross urged the Commissioners to vote for the amendment stating that he had to go 1 hour and 45 minutes away to practice.

Christopher Pulliam, native of Buncombe County was in support of the zoning change. He wanted kids to have a fun, safe place to enjoy.

Leigh Cathy, a Swannanoa business owner, supports this for the use of the kids in the valley.

Annie McDonald lives in a trailer park on old 70 and felt the amendment was too vague and there was no cross-referencing to other parts of the zoning ordinance such as alcohol sales and number of vehicles.

Houston Sullivan said he had a track on Lytle Cove but closed it because of vandalism and harassment.

Joseph (no last name given) gave an example of a situation in Hendersonville where a track was shut down because a lady said they were bothering her chickens, even though there was a plant right next to it. He was a motocross amateur pro at 18 years old and had to go an hour and a half away to practice riding. Practice is usually from 12 to 3 or 4 o’clock – not at night. He was in support of the track.

Alan Ditmore spoke against zoning. He said there were thousands of people who would gladly rent a clean and dry house and would be overjoyed to hear motorcycles from their warm bed in the morning. He hears the dirt bikes in Leicester and it doesn’t bother him. His only concern is erosion from the track.

Richard Hubble works for the Cliffs at High Carolina and the people he works for have invested millions of dollars and pay thousands in property taxes. He was opposed to the amendment.

Don Yelton said a Planning Board vote of 4-4 is a tie – not against. He spoke against one size fits all zoning stating that the sport was a money maker and he urged the Board to look at the positives not the negatives.

Kimberly Beasley’s son is a racer and this will be a training facility – not a noise facility. It would mean one or two more kids off the street. It teaches them safety and they are doing a physical activity instead of playing video games. She is for the facility.

Richard Harshaw is a realtor who has worked with a local college on motorcycle training. It teaches people safety and they learn in a controlled environment. This would be another area where people could be trained in a controlled environment.

Larry Pearce of Swannanoa had worked near that area for 25 years. He had some concerns and met with Mr. Ogle. He thinks that this is a case of a site specific location that would work. He had concerns but investigated and now believes this will be a good location.

Jerry Rice works with special needs kids and says they need these kinds of activities. Realtors and important people want to say if a siren goes by that is too much noise. If you can't put the track where they want it – put it at the training facility at the landfill or find a place to put it.

Jane Conley Hansel of Swannanoa Valley said they did not want to deny the kids anything and urged the Board to find a place for it. If Commissioners change the code, it affects all of Buncombe County. You have heard the specifics. If it is not located there, put it somewhere else.

Kevin Dukes has worked in Swannanoa for years and the problem with this spot is the way it is zoned. He was in favor of the zoning change.

Doug Thigpen is a resident of Swannanoa and felt that this facility would be a nuisance.

Ryan Beasley said he had hauled the kids to the places to ride and was in support of the facility.

Todd Hurst had been a Swannanoa resident for 10 years and very much supports this.

Ron Hilgrand, resident of Swannanoa, said that the issue was not about kids but about 3.41 acres in Swannanoa. This amendment is not for a site specific location, it's about the whole county. She asked the Board not to approve the amendment – the zoning laws are fair and do not need to be amended.

Joseph Dean, 32 year old motocross participant said there is a positive impact on children and he supports it.

Dee Dee Styles said the land was mostly forested between Lytle Cove and her house – very dense – and they were more than half a mile from the track – but could hear the noise very plainly. It was like listening to a high frequency noise. This is not just about the Swannano space – but all over the county.

Stacey Ogle said he had done a lot of homework and visited local businesses and got their blessings. The property used to be a landfill and can't be built on so this would be a good use for it.

Mandy Davis of Lytle Cove said when the track was open she was ¼ mile away and could not hear the bikes from the track. She could not hear them because of the terrain. She is for the amendment and says that a lawnmower is louder than her son's bike.

The public hearing closed at 7:03 p.m.

Commissioner Frost made a motion to deny the amendment. She said Swannanoa Valley had been her home for many years and she wanted to lead the charge for economic development there. She felt this amendment would affect the entire county.

Commissioner Fryar said that he was against zoning years ago. The property in question had a track across from it before and it won't be a detriment. He was for it and doesn't see anything wrong with it.

Commissioner Belcher said the amendment was not site specific, and that was the problem. The property was not fit for much more than the motocross – it was a good site for it. The problem was the County can't make a site specific variance.

Commissioner King seconded the motion to deny the request for the text amendment and the motion passed as follows:

Noes: Commissioners Belcher, Fryar

Ayes: Chairman Gantt, Vice Chair Jones, Commissioners Frost, King, Newman

There was a short recess at 7:20 p.m. The meeting was called back to order at 7:26 p.m.

NEW BUSINESS

- **Asheville-Buncombe Homeless Initiative Advisory Committee Report.**

David Nash, Chair of the Homeless Initiative Advisory Committee gave the report stating that they have made significant accomplishments. He said there was a high cost to chronic homelessness involving law enforcement, jail costs, first responders, etc. The work of the committee has brought chronic homeless down 82 percent and has placed over 600 people in housing. He showed the PowerPoint attached to the minutes. To help address the growing

problem of children in homelessness, each school system now has a counselor to help identify the homeless children.

OLD BUSINESS

- **Adoption of FY14 Budget Ordinance**

Wanda Greene, County Manager, gave an overview of the FY14 budget. She said there were unavoidable increases such as a loss of revenue from the federal government and state government changes. The Culture and Recreation Authority would add 3.5 cents to the tax rate but the enabling legislation had not passed in the General Assembly. If it passes it would only include Buncombe County at this time and would have to go back to General Assembly. Without the approval of this legislation, Dr. Greene asked that the meeting be continued to Friday at 9 a.m.

Commissioner Frost moved to continue the meeting to Friday, June 28 at 9 a.m. Commissioner Belcher seconded, and the motion passed 7-0.

Commissioner Fryar moved that the Board give their comments at this meeting. Commissioner Frost seconded the motion. Commissioner Belcher moved to amend the motion to allow comment at this meeting and on Friday on the budget and on the CRA or anything to do with the legislation. The motion passed 7-0.

Commissioner Fryar showed a PowerPoint which is attached to the minutes of the meeting.

Commissioner Newman said that he has learned a lot as a Commissioner and that the staff has helped to educate him about programs and infrastructure. This budget provides for key services. He commented that he is proud that the commission is supporting two new schools in the county. He thanks everyone for the schools commitment.

Commissioner Frost said it had been a learning process. She feels that the Commissioners put all of their differences aside and came up with a really good budget. Commissioner Jones leading the charge for two new schools in the city and Commissioners Belcher and King leading the charge for a new school in Candler. She congratulated everyone.

Commissioner King said that the Board came together and set aside politics, and put together a budget that meets the needs for all people in Buncombe County.

Commissioner Belcher thanked Commissioner Fryar for the PowerPoint. He said they take stewardship very seriously as a board. His focus had been on spending and trying to bring it down. He felt that if the Board was not made up the way it is now that the cost would be much higher. He said he was proud of GE and appreciates the board and staff of Buncombe County. Commissioner Jones said she feels the same way.

Chairman Gantt said this is his 17th budget, and this board had given him some insights on things they could tighten up. He showed a PowerPoint attached to the minutes. He thanked Dr. Greene, Donna Clark, and the staff.

NEW BUSINESS

- **Camera/Media Placement in Chambers**

The County Manager reported that the area near the doors was an exit and the Fire Marshal said it could not be blocked by cameras with tripods. However, if someone wanted to walk to the front carrying their camera to get a shot, that would be permitted. The Manager said that she had talked with the media and they were okay with this approach. Commissioner Frost moved to adopt the camera placement policy as presented. Commissioner Jones seconded the motion and it passed 7-0.

- **ABTCC Capital Projects Ordinance FY13**

The County Manager explained this ordinance and how it reflects the capital projects underway on the AB Tech campus. Commissioner Belcher moved to approve the ordinance as presented. Commissioner Jones seconded and the motion passed 7-0.

- **Donation of Two Vehicles to AB Tech**

Commissioner Fryar moved to approve the donation of two surplus vehicles to Asheville Buncombe Technical Community College. Commissioner King seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Commission Jones moved to reappoint **Brian Alexander, Robin Merrell, Jenny Simmons, Lance Edwards, Dan Garrett, Michael Woods, Brooks Ann McKinney** to the **Asheville Buncombe Homeless Initiative Advisory Committee**. Commissioner Frost seconded, and the motion passed 7-0.

ANNOUNCEMENTS

- The June 25 meeting is continued to Friday, June 28 at 9 a.m. in Chambers
- The next meeting of the Board will be August 6 at 4:30 in Chambers
- Some members of the Board will attend the National Association of Counties Annual Conference in Tarrant County, Texas on July 19-22
- The Board will hold community meetings in each district as follows:
 - District 3 on July 9 at Enka Branch Library from 6 to 7 p.m.
 - District 1 on July 15 at Lord Auditorium in Pack Library from 6 to 7 p.m.
 - District 2 on July 16 at Bee Tree Fire Department from 6 to 7 p.m.
- *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*

The continued meeting of **June 28, 2013 at 9 a.m.** was called to order by the Chairman 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; Mandy Stone, Assistant County Manager; Jon Creighton, Assistant County Manager/Planning Director; Mike Frue, County Attorney; Stacey Woody, Deputy Clerk to the Board.

The Chairman stated that the meeting was continued to give the General Assembly time to pass the Culture and Recreation Authority (CRA). Dr. Greene reported that nothing was heard on the Senate floor yesterday and asked the Commissioners to adopt an interim budget, good for 30 days, in hope that the CRA will be finalized within that timeframe.

Commissioner Jones made a motion to approve the interim budget, Commissioner King seconded, and the motion passed 7-0.

Vice Chair Jones moved to go into closed session pursuant to GS 143-318-11A4 for an economic development matter. Commissioner Belcher seconded and the motion passed 7-0.

CLOSED SESSION

The Board discussed a possible economic development incentive for an existing employer that would bring 26 additional jobs averaging \$56,000 annually. The County Manager suggested an incentive of \$47,437 based on their investment. To Board agreed by consensus to allow further consideration of the incentive.

Vice Chair Jones moved to go back into open session and adjourn the meeting. Commissioner King seconded and the motion passed 7-0.

The meeting was adjourned at 9:12 a.m.

STACEY WOODY, DEPUTY CLERK
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS