

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JANUARY 7, 2014 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on January 7, 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
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/Planning Director; Donna Clark, Finance Director; 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. Commissioner Newman said he was an employee of a company that builds solar energy products and had talked with the County Attorney about and conflict of interest for him with the zoning text amendment. The County Attorney felt there would not be a conflict of interest as Commissioner Newman had no direct financial gain related to the matter.

PUBLIC COMMENT

Laura Cruger resident of Farm School Road asked that any action on the proposed development for the Coggins Farm property be postponed allowing more time to explore viable alternatives to the development and the impact on the community.

Jean Bosendoph talked about smoking and the damages done to the public by the toxins in electronic cigarettes. She wanted electronic cigarettes to be treated as regular cigarettes.

Jerry Rice commented on family care homes and nursing homes. He said that hospitals discharge patients into nursing homes too quickly and he asked that adult protective services investigate the problem.

Kevin Mathis with Asheville Elevator shared a concern that county elevator service maintenance contracts were being given to non-local companies. He referenced the bids opened recently for construction on the AB Tech campus. Asheville Elevator was the low bidder; however, Mr. Mathis said they were told they were not the preferred vender.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Commissioner King moved to approve the consent agenda as presented.

- Approval of Minutes of December 3, 2013 Regular Meeting
- Special Projects Ordinance
- School Capital Commission Fund Ordinance
- Grant Projects Ordinance
- Budget Amendment
 - Fund 10 – budget state funding for Nurse Family Partnership Program (\$188,019)
 - Fund 34 – budget revenue received from Lake Julian/Wild Wing Ext. (\$150,000)

- Release Report

Commissioner Belcher seconded and the motion passed 7-0.

GOOD NEWS

- **A-B Emblem Celebrates 50 years in Buncombe County**

Commissioner Fryar read and presented the plaque to Gordon and Paul Conrad with AB Emblem in recognition of their 50 years of service to the County. Mr. Conrad thanked the Board for the plaque saying they take their commitment to their employees and the community very seriously.

PUBLIC HEARING

- **Zoning Text Amendment – Public and Private Utilities and Energy Generation Facilities**

Josh O'Connor, Zoning Administrator, gave a power point presentation that is attached to the minutes of this meeting. He said that the text amendment was requested by the public during community meetings held to review the land use plan. The text amendment mirrors the language from the land use plan. Mr. O'Connor said that utilities less than 2 acres are allowed in all areas; however, anything larger than 2 acres becomes a conditional use.

The Chairman opened the public hearing at 5:12 p.m.

Jerry Rice criticized the solar array on the Biltmore estate and utilities that run ugly power lines.

Mary Standard from Montreat thanked the Commissioners for their help in getting the company from New Mexico to withdraw the application for construction of 90,000 solar panels to be built near Ridgecrest. She asked the Board to support the public utilities amendment which the Planning Board passed unanimously.

The Chairman closed the public hearing at 5:18 p.m.

Commissioner Belcher thanked the staff for the sensible solution to this problem; however, he asked that public utilities be kept abreast of this ordinance.

Commissioner Jones moved to adopt the zoning text amendment as presented stating this was a good example of everyone working together to address a potential problem. Vice Chair Frost seconded the motion and it passed 7-0.

- **Economic Development Incentive – Jacob Holm**

Jon Creighton, Assistant County Manager/Planning Director, said that Jacob Holm was an existing company and one of the largest producers of non-woven fabric in the world. They employ 82 people and plan to begin a \$46 million expansion hiring 56 additional employees at an average wage of \$46,000. Mr. Creighton presented the incentive and the economic impact, attached to the minutes of this meeting.

Jeff Sellers, Plant Manager of Jacob Holm, said that they were formed 210 years ago in Denmark. They plan to invest in a new technology with the expansion and should be ready to hire in 2015.

The Chairman opened the public hearing at 5:38 p.m.

Jerry Rice questioned the number of employees that were Buncombe County residents.

The Chairman closed the public hearing at 5:41 p.m.

Commissioner Newman moved to approve the *Resolution Authorizing Buncombe County to Pay Economic Development Incentives and to Sign an Economic Development Agreement*

Commissioner King seconded and the motion passed 7-0.

COUNTY MANAGER'S REPORT

- **Black Oak Update**

Jon Creighton, Assistant County Manager, reviewed the history of the County's subdivision regulations and their impact on the home in Black Oak Subdivision that was sliding off the slope. He said that the Black Oak Subdivision was platted in 1988 in the Beaverdam Zoning District and in the past 25 years many new standards had been approved. By current standards, the house that had been removed would have required a 3 acre lot size. Hillside standards, erosion control and stormwater ordinances all passed after the completion of the Black Oak Subdivision.

Robert Deutsch, County Attorney, said that the County had no obligation beyond removing the home at 145 Black Oak Drive which was condemned by the County Inspections Coordinator under Article IV of

Section 10 of the Buncombe County Ordinances, "Unsafe Buildings". In order for the County to be authorized to take any further action relative to the subdivision property, the County would have to determine under to North Carolina General Statute 153A-140 that the condition of the property constitutes a "public health nuisance" that is "dangerous or prejudicial to the public health or safety". As this determination has not been made, the County has no authority to act.

NEW BUSINESS

- **Addition of Income maintenance Caseworkers**
 - **Budget Amendment**

Jim Holland, HHS Administration, gave a power point outlining the need for additional caseworkers to meet the needs resulting in the implementation of the NC Fast program. The NC Fast Program should streamline application processes and provide more accurate recording; however, the new system and additional information collection will require 12 additional income maintenance caseworkers and 5 supervisors. The cost to the County would be \$213,726 for six months.

Vice Chair Frost thanked Mr. Holland and his staff for their work. In answer to a question from Commissioner Belcher regarding the way in which salaries for these positions were set, Mr. Holland said that the Department of HHS is under the office of State Personnel and have strict guidelines that regulate their pay plan. Mr. Holland said that the state does not share in the costs for staffing of these positions. He said that they continually evaluate staffing and will continue to do so.

The County Manager said that the average case load in North Carolina is 272 and Buncombe County workers are carrying an average of 500 cases.

Vice Chair Frost moved to approve the budget amendment as presented. Commissioner Belcher seconded and the motion passed 7-0.

- **Resolution Making Certain Findings of Fact, Approving a Contract Amendment and a Notice of Extension to a Deed of Trust and the Delivery Thereof and Providing for Certain other Related Matters**

Donna Clark, Finance Director, asked the Board to continue the meeting to January 14 at 5:30 p.m. and set the public hearing to consider the resolution on that date. Commissioner King moved to continue the meeting to January 14 at 5:30 p.m. and set the public hearing for that date. Commissioner Fryar seconded and the motion passed 7-0.

BOARD APPOINTMENTS

The Board instructed the Clerk to set up interviews with the applicants for the Economic Development Coalition.

Commissioner Frost moved to reappoint **David Summey, Robert Taylor, Mychal Bacoate and Lisa Stephens** to the **County Board of Adjustment**. Commissioner Fryar seconded and the motion passed 7-0.

Commissioner Jones moved to appoint Lloyd Freel to the Board of Adjustment. Commissioner Frost moved to appoint Stephanie Gosnell. Commissioner Fryar moved to appoint Thomas Christ. By majority vote, **Stephanie Gosnell and Thomas Christ** were appointed to the **County Board of Adjustment**.

Commissioner Frost moved to appoint **Carol Peterson** to the **Pack Place Board**. Commissioner King seconded and the motion passed 7-0.

ANNOUNCEMENTS

- *This meeting will be continued to January 14 beginning at 5:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *The Board will hold a retreat on January 28 beginning at 3 p.m. in the First Floor conference Room at 200 College Street in downtown Asheville*
- *The next regular meeting of the Board will be February 4 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*

- *Commission meetings can be seen on:*
 - *BCTV 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 go into closed session pursuant to NCGS 143-318.11a(5) to consider possible property acquisitions and (6) for a personnel matter. Commissioner King seconded and the motion passed 7-0.

CLOSED SESSION

Discussion was held regarding two property acquisitions in relation to county school facilities. No action was taken.

Discussion was held with the County Attorney regarding a personnel issue. No action was taken.

Commissioner Jones moved to return to open session. Commissioner Fryar seconded and the motion passed 7-0.

Vice Chair Frost moved to continue the meeting to **5:30 p.m. on January 14**. Commissioner King seconded and the motion passed 7-0.

The meeting was continued at 7:45 p.m.

CONTINUED MEETING – January 14, 2014

The Board of Commissioners met in continued session on January 14, 2014, in the Commissioner Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5:30 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/Planning Director; Donna Clark, Finance Director; Bob Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

PUBLIC HEARING

- **Resolution Making Certain Findings of Fact, Approving a Contract Amendment and a Notice of Extension to a Deed of Trust and the Delivery Thereof and Providing for Certain Other Related Matters**
 - *School Capital Fund Project Ordinance*
 - *Capital Projects Ordinance*
 - *ABTCC Capital Projects Ordinance*
 - *PDF Woodfin Downtown District Capital Project Ordinance*
 - *Interlocal Agreement - Woodfin TIF*
 - *Second Notice of Extension - LOB*
 - *Escrow Agreement*
 - *Amendment Number 2 - Installment Financing*
 - *Supplement Indenture 2*
 - *Preliminary Official Statement*
 - *Contract of Purchase*

Wanda Greene, County Manager, summarized the projects included in the financing and refinancing to be considered. She thanked the Board for their support on these projects.

Donna Clark, Finance Director, said that the package included \$122 million, multiple new projects and some refinancing of existing projects. She reviewed the documents that are attached to the minutes. She said that a new Asheville Middle School was part of the authorization but the Board was not obligated to build or borrow at this time.

The Chairman opened the public hearing at 5:44 p.m.

Jerry Rice asked that future resolutions similar to the bond resolution listed on the agenda, be worded in a way that the general public could understand. He was concerned about the costs of AB Tech construction and the borrowing details for the construction of the Asheville Middle School.

The Chairman closed the public hearing at 5:52 p.m.

The County Manager asked that the Board include wording in the resolution that would approve not to exceed \$40.5 million for the Asheville Middle School construction so that this project can proceed after July 1 of 2014.

Vice Chair Frost moved to approve the resolution and the other bond documents as amended and included in this agenda item, adding wording to the resolution that would approve not to exceed \$40.5 million for Asheville Middle School construction. Commissioner King seconded the motion and it passed 7-0.

Commissioner Newman thanked the staff for their innovative work on this financing package. He also thanked past Commissioners for putting the County in a great financial position allowing these projects to begin.

- **Community Services Block Grant Program Application for Community Action Opportunities**

Cary Gibson, Community Action Opportunities EDC Director, said that she was not asking for any money only presenting the Community Action Opportunities' work plan for Community Services Block Grant Program Funds as outlined in the attached documents. The block grant funds were provided by the Federal Government through the State Division of Health and Human Services. No action was needed on this information item.

The Chairman made the following announcements:

- *The second regular meeting, January 21, has been cancelled. The next regular meeting will be February 4 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *County Offices will be closed for the Martin Luther King holiday on Monday, January 20.*
- *Commission meetings can be seen on:*
 - *BCTV 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*

Commissioner Jones moved to adjourn the meeting. Vice Chair Frost seconded and the motion passed 7-0. The meeting was adjourned at 6:15 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS