

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF MAY 13, 2014 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on May 13, 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**

Charles Wykle from Old Farm School Road asked the Board to review the new zoning designation for the Coggins Farm property and examine the impact of development in this area.

Lisa Baldwin, County School Board member from the Reynolds District, asked the Board for more school funding. She said that Buncombe was 34<sup>th</sup> in local funding statewide and that classrooms were starved for textbooks and materials.

Wayne Ball spoke in favor of the domestic violence plan and concerned that there was no help for the male survivors of domestic violence.

Jerry Rice questioned the cost of implementing the domestic violence plan and the sustainability of the plan. He requested more information be shared on the purchase of the Enka property.

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

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

- ***Approval of Minutes of April 15, 2014 Regular Meeting***
- ***Resolution to Authorize the Purchase of 2.43 Acres of Real Property for Use by the Buncombe County Board of Education Associated with the New Enka Intermediate School***
- ***Resolution Authorizing the Purchase of 1.5 Acres of Real Property***
- ***Approve Alignment of Quality Assurance Specialist with the Office of State Personnel by Changing the Class of QAS I to 78 and QASII to 80***
- ***Resolution Accepting Bid for Roof Replacement for the Detention Center***
- ***Resolution Approving Pyrotechnic Experts for Firework Displays***
- ***Release Report (April)***
- ***Release Report (May)***
- ***Resolution Authorizing the Submittal of the Funding Plan and Other Information Related to the Juvenile Crime Prevention Council Program for FY 2014-15 to NC Department of Public Safety-Division of Juvenile Justice***
- ***Budget Amendments***
  - ***Fund 10 - Replace defective mobile radios (\$215,000)***
  - ***Fund 10 - Child Care subsidy; State funding for children health care needs; federal funds for family planning (\$263,528)***
- ***School Capital Commission Fund Project Ordinance***
- ***Capital Projects Ordinance***
- ***Grant Projects***

- **CJIS Capital Project**
- **Special Projects Ordinance**
- **ABTCC Capital Project Ordinance**

## **GOOD NEWS\PROCLAMATIONS**

### **Announcement of Comprehensive Plan to Address Domestic Violence**

Commissioner Jones outlined the work that had been done throughout the community to address the problem of domestic violence in the County. Following a video that outlined the plan that would address the problem, former District Court Judge Rebecca Knight briefly explained the plan and the partnerships that would make it successful. She highlighted the success of the programs in other counties and the timeline for implementation with a target of October (domestic violence prevention month) of this year. Commissioner Jones thanked everyone including the community partners for their work to make this a reality. *The Board gave consensus to request that the local legislative delegation add Buncombe County to legislation making the County an additional pilot site for Domestic Violence Fatality Prevention and Protection Review Team.*

### **Foster Parent Month**

Commissioner Belcher said that his daughter and son in law had been foster parents and he was proud to read the proclamation and moved for its approval. He presented the proclamation to Angie Garner with Foster Care who introduced the following families that were presented with awards: John and Rebecca Hayes were recognized as the longest tenured foster parents in the County; Susan Allor was recognized for adopting the most children through DSS; Sarita Holloway was recognized for having served the most foster children in our County.

### **Motorcycle Awareness Month**

Commissioner King read the proclamation and moved for its approval. He presented the proclamation to members of the Concerned Bikers Association who urged everyone to watch for motorcycles.

### **100 Years of Cooperative Extension**

Vice Chair Frost presented the proclamation to Steve Duckett, Cooperative Extension Director and thanked him and his staff for their incredible knowledge and resources. Mr. Duckett recognized his staff, 4-H leaders and master gardeners for all their work.

## **PUBLIC HEARINGS**

### **• Round – A- Bout Convalescent Ambulance Franchise**

Mike Frue, Senior Staff Attorney said that Round-A-Bout Transportation had applied for a convalescent ambulance franchise in the County-- a non-emergency transport.

Ervin Stevenson, owner of Round-a-Bout Transportation, said the company started in 1995 as a wheel chair accessible transport service and for 19 years have provided care to the elderly and disabled in the county. She and her husband bought the company in 2011. She said that 98 percent of their clients are in care facilities; their rides are pre-scheduled and staff verifies all appointments. She asked for a franchise granted for this ambulance service. She said they charge \$100 less per call than emergency transport.

Jerry VeHaun, EMS Director, said he had met with this company and that the county emergency services did not take convalescent calls unless there was an emergency. He did not recommend the awarding of another franchise.

Commissioner Fryar said that he felt there should be a new ambulance franchise ordinance drafted.

The Chairman opened the public hearing 5:36 p.m.

Jerry Rice was in favor of granting the franchise for the ambulance transport service. He suggested more competition in this area and more accountability from county department directors.

The Chairman closed the hearing at 5:40 p.m.

Mr. Frue said that the nursing homes and assisted living facilities see a great need for this less costly service and he saw no downside to the granting of the franchise. He said that he was drafting a new ambulance franchise ordinance that would come to the Board soon.

After some discussion, Commissioner Fryar moved to table the franchise application for Round a Bout until a new ordinance was adopted. Commissioner Belcher seconded. The motion failed as follows:

AYES: Commissioners Fryar and Belcher

NOES: Commissioners King, Newman, Jones, Chairman Gantt and Vice Chair Frost.

Commissioner Jones moved to approve the franchise as requested not to exceed 5 years. Vice Chair Frost seconded and the motion passed as follows:

AYES: Commissioners Jones, Newman, King, Chairman Gantt and Vice Chair Frost.

NOES: Commissioners Fryar and Belcher

- **Economic Development Incentive for Borg Warner**

Jon Creighton, Assistant County Manager, said that this incentive was based on investment and jobs created including 64 jobs paying over \$100,000; 50 jobs paying \$47,000 and 40 jobs paying around \$56,000. The incentive of \$1,926,600 would be paid out over 5 years.

Commissioner Jones said that there was accountability built into the incentive agreement that assured that the jobs would be created and the investment would be completed before the incentive was awarded.

The Chairman opened the public hearing at 6:08 p.m.

No comments were made.

The Chairman closed the public hearing at 6:09 p.m.

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

- **Re-Zoning: Lifeway Christian Conference Center(R-1/PS to CR)**

Josh O'Connor, Zoning Administrator, said that Lifeway or Ridgecrest was one of the first conference centers to apply for the new CR designation. The Planning Board and staff recommended approval for the rezoning.

The Chairman opened the public hearing at 6:17 p.m.

John Brown, resident of the Ridgecrest neighborhood, said that he represented his neighbors who had concerns for the activities that could be included in the district and that blanket approval for all the lots that were R-1 could have a negative impact on his property.

The Chairman closed the hearing at 6:21 p.m.

Josh O'Connor said that there were only two parcels that were zoned R-1 remaining in the rezoning.

Commissioner Belcher moved to approve the rezoning as requested. Commissioner King seconded and the motion passed as follows:

AYES: Chairman Gantt, Commissioners King, Jones, Fryar, Newman and Belcher

NOES: Vice Chair Frost

- **Airport Industry District – Zoning Ordinance Text Amendment**

Josh O'Connor, Zoning Administrator, said that this is a special district creating the ability to zone for aviation related industries. This is consistent with the land use plan and is approved by the Asheville Regional Airport.

The Chairman opened the public hearing at 6:35 p.m.

Jerry Rice commented on building heights and questioned federal standards and conflicting regulations.

The Chairman closed the public hearing at 6:37 p.m.

Commissioner Belcher questioned the impact that a 50 foot height requirement would have on business development in the district.

Mr. O'Connor said that federal height standards were 185 feet and the Planning Board and staff were reviewing the Federal Aviation Administration standards.

Commissioner Frost moved to approve the Airport Industry District as presented. Commissioner Jones seconded and the motion passed as follows:

AYES: Chairman Gantt, Vice Chair Frost; Commissioners Jones, Fryar, King and Newman

NOES: Commissioner Belcher

## **BOARD APPOINTMENTS**

Following a poll of the Board, **Larry Harris\***; **Al Whitesides** and **Mike Sobol** were appointed to the **Audit Committee**. *\*(Commissioners Newman, Jones and Vice Chair Frost voted for Danny Yelton; Chairman Gantt, Commissioners Belcher, King, Fryar voted for Larry Harris)*

Chairman Gantt nominated **Mandy Stone** for re-appointment to the **Asheville Buncombe Community College Board of Trustees**. The motion passed 7-0.

Chairman Gantt nominated **Jackson Bebber** to serve on the **Downtown Commission**. The motion passed 7-0.

Chairman Gantt nominated **Dr. Paul Endry** to serve as the Optometrist position on the **Health and Human Services Board**. The motion passed 7-0.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *This next meeting will be June 3 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*

- *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](http://buncombecounty.org) during the meetings or*
  - *Online anytime at [buncombecounty.org](http://buncombecounty.org)*

Commissioner Jones moved to go into closed session pursuant to NCGS 143-318.11a(4) to consider a possible economic development incentive. Commissioner Belcher seconded and the motion passed 7-0.

**CLOSED SESSION**

The County Manager presented a possible economic development incentive for a company considering location in Buncombe County and bringing 200-300 jobs and making a \$120 to 170 million investments. No action was taken.

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

Vice Chair Frost moved to adjourn the meeting. Commissioner Jones 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