

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF AUGUST 5, 2014 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on August 5, 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**

Eddie Harwood spoke about the Register of Deeds closing his office during the state of emergency declared earlier this year and the possibility of using his bond to reimburse the county. *The Chairman asked that the County Attorney to prepare a response.*

Ken Michalove did not want the County tax dollars to support the Pack Place tenants. He felt that the art museum would be bankrupt and should not continue to be supported.

Sheila Surret was upset about the Register of Deeds actions and wanted his bond used to reimburse the County for expenses.

Richard Vineer felt that Mr. Reisinger should not have been allowed to have health insurance without waiting the six months that other new County employees were required to wait.

Peggy Bennett felt it was wrong to have allowed Mr. Reisinger to have insurance without waiting the required six months.

Patrick Erwin spoke representing Chain Free Asheville. He represented more than 8 people in the audience and was given 10 minutes. He said that his organization had met with the Animal Shelter, Asheville Humane and Animal Coalition all of which supported the proposal for an anti-teathering ordinance. He said that the proposal had not increased costs in other counties where it had been implemented. He asked for the proposal to be placed on a future agenda for an open forum.

Don Yelton asked that existing laws be enforced in reference to the chain-free discussion. He commented on a problem he had encountered with grandfathered properties under the zoning ordinance.

Kermit Tolley presented a certificate of appreciation from Governor McCrory for the County's involvement in funeral and memorial for Senator Martin Nesbitt.

Jerry Rice complained about the Board and their actions.

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

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

- *Approval of Minutes of July 8, 2014 Regular Meeting*
- *Resolution Setting Public Hearing for Road Closing*
- *Resolution Accepting and Approving Report from the County Purchasing Agent Concerning the Sale and Disposal of Surplus Property*
- *Acceptance of Settlement Report: Insolvency Report and Order to Collect from the County Tax Administrator*

- *Waiver of Weaverville ETJ Rezoning*
- *Capital Project Ordinance*
- *Special Projects Ordinance*
- *Grant Projects Ordinance*
- *Solid Waste Capital Project Ordinance*

## **PUBLIC HEARINGS**

- **Rezoning Request of Elizabeth Buckner R-1 to R-3**

Josh O'Connor, Zoning Administrator, said that the petitioner had requested 3.5 acres at 256 Ball Gap Road be rezoned R-3 to allow manufactured homes. A public hearing was held by the Planning Board and they approved the request finding it consistent with surrounding uses and the Land Use Plan.

The Chairman opened the public hearing at 5:11 p.m.

Larry Blair said that this rezoning would allow the owners to stay on the property.

The Chairman closed the public hearing at 5:13 p.m.

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

- **Rezoning Request of James Morrow R-1 to R-3**

Josh O'Connor, Zoning Administrator, said that the petitioners were requesting rezoning of this 1 acre property to R-3 to allow for manufactured housing. He said that the Planning Board, after hold a public hearing, and the Planning Staff recommended approval of this rezoning finding it consistent with the Land Use Plan.

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

No comments were taken.

The Chairman closed the public hearing at 5:20p.m.

Commissioner King moved to approve the request. Commissioner Jones seconded and the motion passed 7-0.

- **Rezoning Request from Zoning Administration for Airport form PS to AI**

Josh O'Connor, Zoning Administrator, said that this rezoning would put the Asheville Airport property into the newly created Airport Industry district. He said that this district was consistent with the Land Use Plan and addresses future expansion of the airport and uses surrounding the airport.

The Chairman opened the public hearing at 5:23 p.m.

Bill Norwood asked if the district would allow hotels and had FAA approval. He questioned the map that was presented and complained about problems with the traffic on the roads due to the coal ash delivery. He also questioned the safety of the fence around the facility.

Jerry Rice complained about the coal ash that was used in the airport expansion and said he felt it was detrimental to the environment.

The Chairman closed the request at 5:29 p.m.

Commissioner Newman moved to approve the rezoning as recommended. Vice Chair Frost to seconded the motion. The motion passed 7-0.

- **Text Amendment – CR District to Permitted Use Table**

Josh O'Connor, Zoning Administrator, explained this text amendment stating that the Planning Board and Planning staff asked that this be allowed. The Chairman opened the public hearing at 5:32 p.m.

Jerry Rice questioned why this was on the agenda.

The Chairman closed the hearing at 5:34 p.m.

Chairman Gantt moved to approve the text amendment as presented. Commissioner King seconded and the motion passed 7-0.

## COUNTY MANAGERS REPORT

The County Manager said that the County was holding funding for Pack Place with the exception of paying for the utilities (which were in the County's name) due to Pack Place's cash flow problems.

The Chairman asked for the Commissioners to be briefed on the history of Pack Place prior to future decisions. The Chairman asked that an analysis of the money paid in over the years should be shared with the Board as well.

## NEW BUSINESS

- **Charter of Freedom Monument**

Ed Sheary, Library, Recreation and Culture Director, announced a substantial gift to the community and recommended that the gift of a replica of the charter of freedom documents (the documents that create government) be accepted and located across from the veterans memorial.

Commissioner Belcher introduced Vance Paterson who would be donating the monument for Pack Square Park.

Mr. Paterson said he was inspired to create the monument after he visited the national archive and realized that more people needed to see the documents.

The City's Recreation Advisory Board is in agreement with the go from the City.

Commissioner Belcher moved to accept the gift of this monument. Commissioner King seconded the motion and it passed 7-0. Board members thanked him for the gift saying it was a great project and perfect location.

Commissioner Newman suggested a process of consideration for future art or monument projects.

- **State of Asheville Regional Airport**

Lew Bleiweis, Airport Director, said that the Airport has 4 airlines serving the area that fly to 12 destinations on about 22 flights per day. He said that in 2013 Asheville Airport was recognized as the best connected non-hub airport in the United States. He reviewed their current projects including the runway project would be finished in 2015. He said that the coal ash used to complete the new runway project was delivered by an outside contractor and the trucks were washed and watered down and almost finished with deliveries.

He said that the fence around the Airport that was mentioned earlier in the meeting was an abandoned fence that was no longer used; however, the Airport does have proper TSA and FAA approved fencing in place.

- **Resolution of Intent to Convey Property to Habitat for Humanity**

Donna Cottrell, County Planner, explained the County's intent to convey property at 40 Johnson Drive to Habitat for Humanity. The property had been for sale for over a year and this transfer would make the property available for affordable housing.

Commissioner Fryar moved to approve the resolution as presented. Vice Chair Frost seconded and the motion passed 7-0.

- **Resolution Authorizing Exchange of Real Property**

Jon Creighton, Planning Director, said that this would help even out the property lines for the new Hilton Garden Inn development.

Commissioner Belcher moved to approve the resolution. Commissioner Newman seconded and the motion passed 7-0.

- **Resolution of Intent to Accept a Bid for a Ten Foot Easement Associated with the City Centre/Hilton Garden Inn Project**

Jon Creighton, Planning Director, explained the request for the ten foot easement that included air rights to the property. He said that this easement would be treated like a sale of the ten feet of the county's property line.

Vice Chair Frost moved to approve the resolution as presented. Commissioner Fryar seconded and the motion passed 7-0.

- **County Owned Property for Sale**

The County Manager said that the staff had reviewed all County owned property and separated out the parcels that could be available for sale. She explained the different categories of property as outlined on the list attached to the minutes. She asked that the Board approve the intent to solicit bids on the Chestnut Street property and approve the process to sell the remaining properties.

Chairman Gantt said he was interested in having a park or greenway within a certain radius of everyone's home. He asked the Board to allow the County's parks and recreation staff to look at whether any of the subject properties were suitable for parks. The Manager said that the County Library Recreation and Culture staff were looking at joint use agreements for accessibility for parks in every area. She said that all this would come back at the capital planning meeting in January.

Commissioner Jones asked that the public be allowed to comment on this concept and on how the parks money should be used.

Commissioner Belcher moved to approve the resolution. Commissioner King seconded and the motion passed 7-0.

Chairman Gantt moved to have staff review the properties and prepare a map showing any possible uses for purposes under the sustainability plan such as parks, domestic violence, affordable housing etc. and to have a public hearing when map is ready. Commissioner Jones seconded the motion and it passed 7-0.

## **BOARD APPOINTMENTS**

Commissioner Newman moved to appointed **Dennis King** to the **Mountain Area Workforce Development Board**. The motion passed 7-0.

Commissioner Belcher moved to appointed **Ed Coryell** to the **Health and Human Services Board**. The motion passed 7-0.

Commissioner King moved to appoint **OE Starnes** to the **Nursing Home Community Advisory Committee**. The motion passed 7-0.

Commissioner Fryar moved to appoint **Danny Yelton** to the **Audit Committee**. The motion passed 7-0.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *Buncombe County will host the 2014 North Carolina Association of County Commissioners Conference, August 14-17 at the Renaissance Hotel in Asheville*
- *The next regular meeting of the Board will be August 19, 2013 beginning at 4:30 p.m.*
- *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 (4) to consider several economic development incentives; (3) legal matters (6) for a personnel matter. Commissioner King seconded and the motion passed 7-0.

## **CLOSED SESSION**

The Board discussed a possible economic development incentive for a new company bringing more than 300 jobs. The Board gave consensus for the Manager and staff to proceed with negotiations.

The Board heard a personnel issue regarding a contract employee. No action was taken.

The Board discussed a legal matter involving risk management and the possibility of filing of claims. No action was taken.

Vice Chair Frost moved to return to open session. Commissioner Belcher 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 8:35 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS