

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

BE IT REMEMBERED: That the Board of Commissioners met in regular session on March 4, 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; 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

Kevin Mathis with Asheville Elevator questioned the awarding of bids by the County to Otis Elevator instead of his company. The Chairman asked that someone contact Mr. Mathis in regard to the situation.

Lisa Landis spoke about her arrest.

Jean Watasaw wanted signs posted that correctly designate electronic cigarettes as being banned from county property.

Jerry Rice mentioned pollution in Hominy Creek, the contamination on the Enka Campus and having County taxes lowered and the CRA disband.

Charles Wykle had 8 people give up their time so he could speak for 10 minutes, per the county's public comment rules. He spoke about the rezoning of the Coggins Farm property. He felt that the members of the Board of Adjustment had already made up their minds to approve the request for rezoning before the hearing was held. He said there had been flooding in the area where the development would be constructed and construction on this property would make the problem worse. He suggested that the Board get new Planning Board members who would review all aspects of the property.

Bernard Schechter also spoke about the Coggins Farm property rezoning stating that he knew no one in the area that wanted the development to happen because it would make the area unbearable and dangerous.

The Chairman said that the Coggins property rezoning request was not scheduled for consideration at this time.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Vice Chair Frost moved to approve the consent agenda as presented including moving the consideration of Moogfest funding to New Business. Commissioner Fryar seconded the motion and it passed 7-0.

- Approval of Minutes of February 18, 2014 Regular Meeting
- Resolution Approving Pyrotechnic Experts for Firework Displays
- Resolution Declaring Surplus and Donating X-Ray machines to Madison County
- Resolution of Intent to Convey and Advertise for Upset Bid 9638-84-5398
- Resolution Approving Plat Review Officers
- Approval of Request for Additional Staff in the ID Bureau
- Budget Amendment: Fund 10-budget additional state funding \$22,991; budget NCDMV Tax Collection fees \$600,000; budget additional child care subsidy; budget debt proceeds for CPS refunding \$350,000

- School Capital Commission Project Ordinance
- Capital Projects Ordinance
- Resolution Approving Revisions to the Passenger, Vehicle and System Safety Program Plan for Mountain Mobility

GOOD NEWS

- **Red Cross Month**

Vice Chair Frost read the proclamation. Commissioner Belcher moved to approve the proclamation. Commissioner King seconded and the motion passed 7-0.

- **Career Academy at Erwin High School – Graduating Career and College Ready**

Christy Cheek, Career Academy, spoke about the Erwin High School Graduating Career and College Ready program. She said that the program started 6 years ago in partnership with Asheville Buncombe Technical Community College and Biltmore Estate. The work based learning program allows students on the job training and mentoring to teach students what it means to work and have the skills to get and retain jobs. She thanked Commissioner King for his help and Anna Austin the Graduation Initiative and Biltmore.

Two students from Erwin who had successfully completed the program thanked the Board for the program and helping them to get jobs and have hope of furthering their education.

Commissioner King said he was an Erwin High School kid and he also worked at Biltmore during his high school years and this is a great program. He thanked the teachers for their work as well.

- **Funding of Moogfest**

The Chairman said that the Board would consider funding Moogfest at the level of \$90,000 for the April 2014 festival. Mike Adams with Moog Music said that their numbers were looking good for attendance at the festival and thanked the Board for their consideration.

Vice Chair Frost moved to approve the funding of the festival. Commissioner Newman seconded. Commissioner Newman said that this will be a redeveloped conference and not the regular Moogfest as held in years before.

Commissioner Jones also spoke in support of funding this new event.

Commissioner Belcher felt the Tourism Development Authority was a better fit for funding of this event.

Commissioner Fryar felt the event would be successful and that the request for funds came in too late and should have been brought to the county earlier in the budget year.

The motion passed as follows:

AYES: Chairman Gantt, Vice Chair Frost, Commissioner Newman, Jones

NOES: Commissioners Belcher, Fryar, King

PUBLIC HEARING

- **Zoning Text Amendment – Americans with Disabilities Act & Comprehensive Land Use Plan**

Josh O'Conner, Zoning Administrator, reviewed the text amendments involving the Americans with Disabilities Act and the Land Use Plan by the Board of Adjustment. His power point is attached to the minutes of this meeting.

The Chairman opened the public hearing at 5:40 p.m.

Jerry Rice asked if the County's ADA committee was still in existence.

The Chairman closed the public hearing at 5:43 p.m.

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

- **Rezoning Request – Biltmore Farms**

Debbie Truempy, County Planner, presented the rezoning of a portion of the Biltmore Farms property from R-2 to Commercial Service. The Planning staff recommended the rezoning finding it consistent with the Land Use Plan and in the public interest. The Planning Board held a public hearing on January 6 and found it to be consistent with the land use plan and reasonable and in the public interest.

The Chairman opened the hearing at 5:47 p.m.

Lee Thompson with Biltmore Farms said that the request was part of their long term land planning.

Jerry Rice felt the Board should require that the petitioner tell the Board what they were going to do with this property before it could be approved.

The Chairman closed the hearing at 5:50 p.m.

Commissioner Jones moved to approve this request for rezoning. Commissioner King seconded the motion.

The motion passed 6-1 as follows:

AYES: Chairman Gantt, Vice Chair Frost, Commissioners Belcher, King and Fryar

NOES: Commissioner Newman

- **Rezoning Request – Jesse Gardner**

Debbie Treumphy, County Planner, said that the petitioner had requested a rezoning to commercial service from employment. The property was currently developed as a gas station/convenience store and the rezoning was triggered by the County's ETJ takeover. The Planning staff and Planning Board found the request consistent with the land use plan and reasonable and in the public interest.

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

Jesse Gardner, the petitioner, said that the area was in an employment district but he chose to rezone because the property was small and the setback requirements were better fitted to commercial service.

Jerry Rice asked if there were any environmental issues on this property.

Allen Sheppard, owner of the property, said that they planned to rehab the property and this zoning designation will allow them to move faster with the project.

The Chairman closed the hearing at 6:05 p.m.

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

- **Rezoning Request – Nelson Allison**

Debbie Truempy, County Planning, said that this petitioner had requested a rezoning from R-1 to R-3 and that the property was used for vacation rentals. Both the Planning Board and the Planning staff recommend denial of the request, finding it not consistent with the land use plan, not suitable for multi-family residential homes and not reasonable and in the public interest.

The Chairman opened the public hearing at 6:15 p.m.

No comments were taken.

The Chairman closed the hearing to 6:16 p.m.

Commissioner Jones moved to deny the request. Vice Chair Frost seconded the motion.

Commissioner Fryar said he was not in favor of the denial of the rezoning.

Commissioner Belcher said that he was not in favor of the denial.

The motion passed as follows:

AYES: Chairman Gantt, Vice Chair Frost, Commissioners Newman, Jones

NOES: Commissioners Fryar, King and Belcher

BOARD APPOINTMENTS

- **Nursing Home Community Advisory Committee**

Commissioner Belcher moved to reappoint **Ellen Baker, Dixie Barkdoll, Robert Dubrul, Sonya Friedrich, Mary Israel, Jennifer Kiger, Gene Knoefel, Judy McDonough, Lisa Parr, Angela Rutledge, Laraine Webster** to the **Nursing Home Community Advisory Committee** for terms of three years. Commissioner Newman seconded and the motion passed 7-0.

ANNOUNCEMENTS

- *This next meeting will be March 18 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *The Board will hold a retreat on March 11 beginning at 2 p.m. in the First Floor Conference Room 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(3) to consider a legal issue. Commissioner Belcher seconded and the motion passed 7-0.

CLOSED SESSION

The Board heard a report from Curt Euler regarding the Wilcoxson vs. Buncombe County lawsuit. No action was taken.

Vice Chair Frost moved to return to open session. Commissioner Fryar seconded and the motion passed 7-0. Commissioner Belcher moved to adjourn the meeting. Commissioner King seconded and the motion assed 7-0. The meeting was adjourned at 7 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS