

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF NOVEMBER 18, 2014 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on November 18, 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

In accordance with the Code of Ethics adopted by the Board, all County Commissioners have a duty to obey all applicable laws regarding official actions; to uphold the integrity and independence of the office; to avoid impropriety in the exercise of official duties; to faithfully perform the duties of the office; and to conduct the affairs of the governing board in an open and public manner. Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Board member? Also, does any Board member have a financial interest in any public contract coming before this Board today? There being none all Board members have a duty and obligation to vote.

PUBLIC COMMENT

Timothy Sadler suggested that the Board learn more about a program in the City Schools that promotes healthier eating while supporting our local economy.

Mary Standard, Montreat Councilwoman, asked the Board to follow up on the confusion with voter registration between Montreat and Black Mountain. She thanked the Board for their service to the County and how they had helped oppose the solar farm set for Ridgecrest last year and for updating the land use plan to include renewable energy sources.

Patrick Erwin represented chain free Asheville asking for an anti-chaining ordinance for Asheville. He wants their proposal on the agenda for consideration and approval.

Jerry Rice suggested that the public view his you tube video of the Commissioners' recent training. He was upset with the public comment statement that the Chairman reads every meeting and recent non-profit funding decisions.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

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

- ***Approval of October 21 Regular Meeting***
- ***Amend Personnel Ordinance to Observe State of NC Holiday Schedule***
- ***Resolution Changing Time and Date of December Regular Meeting***
- ***Resolution of Intent to Accept Board of Education Property For COPS Funding***
- ***Resolution Authorizing the County to Enter into a First Amendment to the System & Reference Agreement (Cassidian/Airbus)***
- ***Resolution Authorizing Assignment of Bids (Moore & Harwood)***
- ***Ordinance Amending Chapter 22 of the Buncombe County Code of Ordinances Emergency Services***
- ***Road Petition: McIntyre Drive and Ben Nevis Court***
- ***Resolution Approving Pyrotechnic Experts for Firework Displays***
- ***Budget Amendments:***
 - ***Fund 69 – funds to purchase tasers for Detention Officers \$158,923***
 - ***Fund 10 – child and family services budget adjustment per state \$97,103***
 - ***Fund 30 – adjustment for grant awards, contract rates, operating and capital expense \$13,470***
- ***PDF 2008 Debt Service Reserve Capital Projects Ordinance***

- ***PDF Woodfin Downtown District Capital Project Ordinance***
- ***Grant Projects Ordinance***
- ***Asheville Buncombe Technical Community College Capital Project Ordinance***
- ***Capital Projects Ordinance***
- ***Release Report***

GOOD NEWS

- **Veterans' Services Update**

Brandon Wilson, Western Region District Director, said that the 2015 projection for the number of returning veterans was 22,000 for North Carolina. He complimented Buncombe for doing an outstanding job meeting the needs of returning veterans. He said there was a total of \$167 million available for Buncombe County in federal funding for veterans and family members due to the service office that the County supports.

Mr. Wilson presented an award to Heather Mallory from the Buncombe Veteran's Service Office for her outstanding service and for being the best in the region's 27 counties to go above and beyond for the veterans and their families.

- **EMS Employees Receive Awards**

The Chairman and Board members congratulated Johnny Wilson who received North Carolina Emergency Management's Vance E Kee Award as the communication supervisor for 911. Jerry VeHaun, EMS Director, received the NC Emergency Management Services award for significantly benefiting the association during the past year. He said that his office works across the state to assist with all types of emergencies in mutual aid situations.

PUBLIC HEARINGS

- **Economic Development Incentive for Linamar**

Mike Frue, Senior Staff Attorney, said this was the third request for an economic development incentive from Linamar. This incentive was an amended agreement stating Linamar would create an additional 400 jobs by 2021 and the County would pay \$9 million over 6 years beginning in 2015. The incentive is outlined in graphs attached to the minutes of this meeting.

The Chairman opened the public hearing at 5:07 p.m.

Jerry Rice said that AB Tech was not helping with new employees and he was not in support of incentives. He said that their pay would be \$39,000 including benefits and that was not a good deal. He asked that they be required to assure that the jobs go to Buncombe County citizens.

The Chairman closed the hearing at 5:10 p.m.

Mr. Frue clarified that the compensation was an average of \$39,000 plus benefits.

Commissioner Fryar said that AB Tech was working with Linamar to train County students for future employees.

Commissioner King moved to approve the incentive as outlined. Commissioner Jones seconded and the motion passed 7-0.

- **Economic Development Incentive for Polylink**

Jon Creighton, Assistant County Manager, presented the economic development incentive proposal, for Polylink, a local manufacturer located in the County since 1995. He said they had completed their promised expansion and hired 12 employees. Their incentive grant was \$25,000.

Jim Hornowski with Polylink said his company had grown from 2 people to 40 employees making products for the health care field.

The Chairman opened the hearing at 5:54 p.m.

The Chairman closed the hearing at 5:55 p.m.

Commissioner Fryar moved to approve the incentive as outlined. Commissioner Newman seconded and the motion passed 7-0.

- **Rezoning Request Bib & Yount for 46 Properties Previously in the Weaverville ETJ**

Josh O'Connor, Zoning Administrator, explained this rezoning request which was part of the transition of the Weaverville ETJ area to Buncombe County. The staff recommended approval of rezoning as requested for all lots from R-3 to R-1. The Planning Board approved 41 parcels and denied the rezoning of 5 of the parcels. He said that the property was a mix of single family homes and undeveloped parcels. The property had been posted and mailings had

been sent to all property owners. Owners of the five parcels the Planning Board moved to deny had requested that they remain R-3.

The Chairman opened the public hearing at 6:03 p.m.

Ken Yount, petitioner, said that he met with his neighbors and they decided it would be best to rezone their property and by majority decided that this was the way they wanted to preserve the rural sense of the area.

The Chairman closed the hearing at 6:07 p.m.

Commissioner Belcher moved to approve the request as recommended by the Planning Board to rezone 41 of the parcels finding this was consistent with the land use plan and in the public interest. Commissioner Fryar seconded.

The motion passed as follows:

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

NOES: Commissioner Jones

Commissioner Belcher moved to deny the 5 parcels identified by the Planning Board.

Commissioner Fryar seconded. The motion failed as follows:

AYES: Commissioners Belcher and Fryar

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

Commissioner Jones moved to support the Planning staff's recommendation to rezone all 46 lots as requested finding that it was consistent with the land use plan and in the public interest. Vice Chair Frost seconded. *Chairman Gantt pointed out that the rezoning request had already been granted as to 41 lots so the vote was really for the remaining 5 lots.*

The motion passed as follows:

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

NOES: Commissioners Belcher and Fryar

- **Rezoning Request from RuBino for Property Previously in Weaverville ETJ**

Josh O'Conner, Zoning Administrator, said that this property was a single family home requesting R-1 from R-2. The Planning Board and staff recommend the approval finding that it would be consistent with the land use plan and in the public interest.

The Chairman opened the public hearing at 6:23 p.m.

The Chairman closed the public hearing at 6:24 p.m.

Commissioner Newman moved to approve the ordinance rezoning the property and the statement of consistency as attached. Commissioner Belcher seconded and the motion passed 7-0.

- **Joint Public Hearing on Two Proposed Grant Applications to NCDOT for Mountain Mobility**
 - **FY2016 Section 5311 Community Transportation Program Grant**
 - **FY 2016 Appalachian Development Transportation Assistance Program Grant**

Denise Braine, County Planner, outlined the grant applications as attached to the minutes. Lyuba Zuyeva and Lori Hembree explained each grant as outlined in the attached application.

The Chairman opened the hearing at 6:40 p.m.

Jerry Rice spoke positively about the work of Mountain Mobility.

The Chairman closed the hearing at 6:42 p.m.

Commissioner Belcher moved to approve the **FY2016 Section 5311 Community Transportation Program Grant** application as submitted. Commissioner King seconded and the motion passed 7-0.

Commissioner Newman moved to approve the **FY2016 Appalachian Development Transportation Assistance Program Grant** application as presented. Commissioner Frost seconded and the motion passed 7-0.

NEW BUSINESS

- **Capital Request from Judge Thornburg** (*this item was heard out of order*)

Al Williams, Assistant District Attorney, spoke on behalf of Judge Thornburg requesting additional funding for sound and video upgrades for the fifth floor courtroom. He said that the County Information Technology staff recommended the upgrades as outlined in the request attached to the minutes.

Marvin Pope, District Court Judge, said that the new judicial complex was fantastic and very efficient but new technology was needed to increase the efficiency of the fifth and seventh floor courtrooms.

Commissioner Jones moved to approve the request stating that she was convinced that this would improve the efficiency of the courtroom and improve the backlog on the courts. Commissioner Frost seconded.

Commissioner Belcher asked to amend the motion to include a review by the Manager to make sure the expenditure was made at the best possible time and that future requests were made within the budget process. Commissioner Fryar seconded the amendment. The amendment failed as follows:

YES: Commissioners Belcher, Fryar and Newman

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

Judge Pope clarified that this proposal was submitted originally as a FY13 budget request.

The motion passed 7-0.

- **Conservation Easement Requests**

Debbie Truempy, County Planner, requested approval of funding for transaction costs for several conservation easements as outlined in the power point attached to the minutes. The easements would protect 287 acres.

Commissioner Frost moved to approve the request as outlined. Commissioner Jones seconded the motion.

Commissioner Belcher wanted more information about possible conservation efforts along the river.

The Chairman thanked everyone that had made these possible

The motion passed 7-0.

- **Charters of Freedom Monument**

Steve Garrison, Library, Culture and Recreation Department, ask the Board to approve the locating the Charters of Freedom monument (donated by Vance Patterson) in the County's park area near the court complex.

Commissioner Frost moved to approve the location of the monument as requested. Commissioner Belcher seconded and the motion passed 7-0.

The Chairman made a special presentation to Commissioner David King on his last meeting with the Board. Commissioner King thanked the Board for the gift saying he was proud of what the Board had accomplished in the last two years.

BOARD APPOINTMENTS

Commissioner Belcher moved to reappoint **Jim Edmonds** to serve on the **City of Asheville Planning & Zoning Commission** for a second term. The motion passed 7-0.

Commissioner King moved to appoint **Lisa Wheeler** to the **Juvenile Crime Prevention Council**. The motion passed 7-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next regular meeting of the Board will be December 1 beginning at 6:30 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 to consider three economic development matters under GS 143-318.11(a)4. There would be no action taken. Commissioner Fryar seconded and the motion assed 7-0.

CLOSED SESSION

The Board considered a \$24,341 economic development incentive for an existing business that would be adding 37 jobs at an average wage of \$37,500. The Board gave consensus for the incentive.

The Board considered an incentive for an existing company that would add 70 jobs paying an average wage of \$35,000 as part of a \$5.9 million expansion. The Board gave consensus for the incentive.

The Board rejected an incentive request for an existing employer that would be making a \$6.7 million expansion but adding no jobs.

Commissioner Belcher moved to return to open session. Commissioner Newman seconded and the motion passed 7-0.

Commissioner King moved to adjourn the meeting. Vice Chair Frost seconded and the motion passed 7-0
The meeting was adjourned at 7:20 p.m.