

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JANUARY 20, 2015 AT 8:30 A.M.**

---

**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on January 20, 2015 in the Commissioner Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 8:30 a.m. where and when the following business was transacted:

The Chairman called the meeting to order with the following members present:

David Gantt, Chairman  
Joe Belcher, Commissioner  
Ellen Frost, Commissioner  
Mike Fryar, Commissioner  
Holly Jones, Commissioner  
Miranda DeBruhl, 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**

*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**

Patrick Erwin spoke for Unchained Buncombe group asking the Board to postpone the adoption of the amendments based on the mandates that he felt were unreasonable. He felt there were too many vague requirements that needed more input from animal professionals.

Marylin Walker wanted more professionals to review the amendments before they were adopted by the Board asking for stronger amendments. She asked the Board to table the ordinance allowing more review.

John Mile spoke regarding the non-profit capital request from the Asheville Art Museum. He asked that the Board not fund them in the way they had requested based on their financial track record. He asked that the County finance staff look closely at the tax filings of the art museum.

Robin McColough spoke in support of Chain Free Asheville in hopes that the Board would take more action to stop tethering.

Lisa Baldwin said that the Board did not share backup information on their agenda topics; suggested that the County extend human service hours and present a central location for the aquatics center. She was opposed to the expansion of libraries in the digital age.

Christina Merrill spoke on behalf of horse owners who would be forced to give up their horses due to the requirements of the ordinance. She questioned where these forfeited horses would be housed.

Winslow Amburger asked that the ordinance be tabled so that some tethering rules could be added.

Jerry Rice asked that no money be given to the organizations that are going to be considered in the upcoming meeting and that no money be spent in the Enka district.

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

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

- ***Approval of the minutes of the January 6, 2015 Regular Meeting***
- ***Resolution Authorizing the Advertisement for Bid the Property on Haywood Street***
- ***Budget Amendments***
  - ***Fund 10 – New Full Time Office Assistant III position for Animal Control (\$9,302)***

## **Old Business**

- **Animal Control Ordinance Amendment (second reading)**

Commissioner Jones moved to approve the Animal Control Ordinance on second reading. Commissioner Frost seconded.

Commissioner Fryar moved to amend the ordinance by adding a section that would require anyone who reported neglect to live "within 1000 feet" of the animal. Commissioner Belcher seconded the amendment.

Commissioner Newman said that a citizen in the county that sees an animal being abused should be able to report neglect. He said that this policy makes sense in some situations; however, the goal here is to prevent abuse of animals.

The Chairman said that the whole reason for the amendments was to increase the protection of animals. He said that animal control officers will decide on the welfare of animals.

The amendment failed as follows:

AYES: Commissioners Fryar; DeBruhl; Vice Chair Belcher

NOES: Chairman Gantt; Commissioners Jones, Newman and Frost

Commissioner DeBruhl moved to strike the space requirements for horses in the amendments. She said that a one size fits all does not work in the ordinance with the wide variety and size of animals. She felt that the current language was adequate for horses. Commissioner Fryar seconded.

The amendment failed as follows:

AYES: Commissioners Fryar, DeBruhl, Vice Chair Belcher

NOES: Chairman Gantt; Commissioners Jones, Newman, Frost

Commissioner DeBruhl moved to have all current structures be exempt from the new space requirements. Vice Chair Belcher seconded.

AYES: Commissioners DeBruhl; Fryar; Vice Chair Belcher

NOES: Chairman, Gantt, Commissioners Jones, Frost, Newman

Vice Chair Belcher moved to remove the language "social interaction" and "adequate exercise" and replace with "no obvious distress." Commissioner DeBruhl seconded.

The motion failed as follows:

AYES: Vice Chair Belcher; Commissioner DeBruhl, Fryar

NOES: Chairman Gantt; Commissioners Jones, Frost and Newman

Commissioner Frost said that the animal ordinance had become a model with Buncombe being the first county to have such a comprehensive ordinance. She said that she had heard from lots of horse owners who want more and she thanked the Chain free Asheville group for their work but said she would support the ordinance as it was written.

The ordinance passed on second reading as follows:

AYES: Chairman Gantt, Commissioners Jones, Newman, Frost

NOES: Commissioners Fryar, DeBruhl, Vice Chair Belcher

## **Capital Planning**

- **Human Services Requests**

Mandy Stone, Assistant County Manager/ Human Services Director, gave a power point presentation that is attached to the minutes of this meeting and outlined the need for additional space for Human Services. She said that their current location at 40 Coxe Avenue has 74,000 square feet of recently renovated space that would have to be replicated for a move to another location. Human Services is reimbursed for 30 percent of operational costs and all the services provided at 40 Coxe are mandated and outlined by law including space requirements. She pointed out that the 40 Coxe location is out of compliance in regard to space standards which could result in loss of reimbursements.

Jon Creighton, Assistant County Manager/Planning Director, presented possible sites for relocation of the Human Service Center. His presentation is attached to the minutes. He proposed expanding the current location by 69,000 square feet and adding a parking deck.

Commissioner Fryar said he agreed with using the 40 Coxe Avenue property for expansion.

The County Manager said that the construction will take about 2 years and the debt service schedule will be able to handle the addition without any increase in the tax rate. She said that the County cannot afford to lose the federal reimbursements and asked the Board to approve the recommendation. The federal government will contribute \$14 million toward the cost of the expansion of the building which would be used to offset the debt service over a 30 year period.

Commissioner Newman said the current location was perfect for public transit; however, he asked if the total cost of the project could be reduced – perhaps in regard to size of the parking structure. Mr. Creighton said that the 650 spaces for the deck was based on the 100,000 visitors to human services every year. The parking deck would cost \$13 million. Commissioner Jones said she was concerned about the cost of the parking deck and would like to see it made available for public use on nights and weekends if at all possible.

Commissioner Newman questioned the need for 650 spaces in the parking deck and whether continuing to lease space and building a smaller deck would cut costs.

Commissioner Frost moved to authorize the staff to move forward with construction of the new Human Services Center and parking deck at 40 Coxe Avenue and acquisition of adjacent property leased by the county as presented at a cost of \$48.5 million including acquiring surrounding properties.

Chairman Gantt seconded and the motion passed 6-1 as follows:

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

NOES: Commissioner Newman

- **Recreation Requests**

Fran Thigpen, Library, Recreation and Culture Director, gave a presentation that is attached to the minutes of this meeting. She presented several projects that were capital requests and would be considered as a part of the FY16 budget including the Lake Julian greenway project, a new playground and a new community park on County owned property along Orchard Street.

Commissioner Frost moved to take 30 minutes for lunch in recess until 12:15 p.m. Commissioner Fryar seconded and the motion passed 7-0.

The Chairman called the meeting back to order at 12:15 p.m.

Ms. Thigpen asked the Board for direction regarding an aquatic facility for the area. She reviewed the numerous studies that had been done stating that a full service aquatic center would cost about \$35 million and would require 8 to 10 acres. The operating costs would be \$1.98 million each year. The projected revenues would be \$1.2 million each year causing a gap in operating costs and revenues. Another option included covering an existing pool at the cost of \$2 million. She felt that renovation of the Zeugner Center would not be the solution. The only County property available was located at the County's sports park in Enka. Building on 5 to 7 acres at this location would cost of \$6.5 million.

Commissioner Frost said that high school swim teams would need a 25 yard pool and she asked that the schools be contacted about a funding partnership. The Chairman suggested surveying the level of need in the community. Commissioner DeBruhl said that meeting the need for swim teams versus community swimming should be reviewed.

After a lengthy discussion of options, the Board agreed to have staff talk with the schools about possibly partnering with the County to find an immediate solution to the schools swim team needs (as a result of the pending closing of the Zeugner indoor pool) and further investigate community partnerships for a bigger aquatic center.

- **Maintenance Vehicle and Related Requests**

Greg Isreal, General Services Director, outlined a facilities management tool that he used to track emissions as shown in his power point attached to the minutes of this meeting. He made several maintenance requests that would be included in the capital improvement request as part of the FY16 budget.

- **Election Services**

Trena Parker requested that new/upgraded voting machines be purchased as outlined in a power point attached to the minutes. She asked the Board to approve the funds in the FY16 budget to upgrade the system allowing the new system to be ready for the municipal elections in November of 2015.

Commissioner Belcher moved to recess until 2:20 p.m. Commissioner Frost seconded and the motion passed 7-0. The Chairman called the meeting back to order at 2:20 p.m.

## **Non-Profit Capital Requests**

- **Asheville Housing Authority**

David Nash, Operations Officer of Asheville Housing Authority, asked for \$144,000 for flooring replacement in the gym at the Arthur Eddington Center. Commissioner Frost thanked him for his work. They would be bidding the flooring job and had not asked for any donations at this point.

- **Coburn Earth Science Museum**

Vicki Ballard with the Coburn Earth Science Museum said that the Museum had a new home in the Wells Fargo Center. She asked the Board to fund \$275,000 toward the Southern Appalachian Geology exhibit .

- **Asheville Art Museum**

Kim McQuire of the Asheville Art Museum thanked the Board for previous funding and asked for \$2.4 million for the new museum renovations. She asked that the County consider providing \$250,000 per year.

- **Asheville Area Center for Performing Arts**

Michael Stoll requested the establishment of a working group to look at funding of a performance center and the development of a fund raising plan.

- **Public Interest Projects Inc.**

Pat Whalen asked for an investment in an outdoor theatre on the river. He requested \$50,000 for due diligence work to investigate the site on the river and the development of a working group with the Tourism Development Authority and the private sector.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *The next regular meeting of the Board will begin at 4:30 p.m. on February 3 in the Room 326, Commission Chambers at 200 College Street in downtown Asheville.*
- *Commission meetings can be seen on live on BCTV Channel 192 and on [buncombecounty.org](http://buncombecounty.org) during the meetings and on demand at [buncombecounty.org](http://buncombecounty.org)*

Vice Chair Belcher moved to adjourn the meeting. Commissioner Frost seconded and the motion passed 7-0. The meeting was adjourned at 3 p.m.

---

KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

---

DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS