

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF FEBRUARY 3, 2015 AT 4:30 A.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 3, 2015, 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
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; 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.

Good News

- **Asheville Humane Society**

Don Hawks, Chair of the Board of Directors of Asheville Humane Society shared the good news of their successful year thanking the staff and volunteers that worked hard to make it possible. He introduced Sara Hess, Interim Animal Shelter Director who showed a short video of their accomplishments including their improved "return to owner" rates and decrease in euthanasia.

PUBLIC COMMENT

Prior to the taking public comment, the County Manager gave some of the history of the Zeugner pool, the oldest pool and only covered pool in the system. In 2008 the County planned to build a covered pool on the current site which was postponed due to budget challenges. The Manager said she was currently working with County schools to find a solution to keep Zeugner pool open until the swim season was over. The long term solution included the possibility of building a covered pool in conjunction with the County schools in 2017. She said that they were working with community partners to find pool space for the swim teams and should have a short term solution for next swim season and a long term plan to share on March 3.

Jim Cottom, Roberson High School Swim Coach, asked that the current facility be kept open until a new one was built honoring the 2008 commitment. He offered his help in finding a short and long term solution. He said closing the pool would affect all of Western North Carolina.

Dr. Heather Kruger, a Pediatrician and parent of five high school swimmers, said that swimming was a very healthy sport with wonderful benefits. She didn't think it was sensible to close the facility without something a replacement.

Eric Vess, Swim Coach from AC Reynolds, said closing the pool would affect many families. He suggested asking the community to help with finding a solution.

Kristina Long, high school swimming official, said that aquatic centers have positive effects on the community and asked the County to consider building an aquatic center here and gave an impact report.

Michael Kirby, Junior from AC Reynolds and swim team member, said he had suffered a concussion and swimming had helped him recover. He asked to keep Zeugner open until a replacement was built.

Tia Long said she swims at Zeugner and knows the pool should be replaced; however, the swimming community had been patient and it was their turn.

Betty Jackson asked how the County could be considering this project when they don't have money for school supplies. She felt this was not a necessity and should not be considered. She was appreciative of the county considering other alternatives and suggested a community fund raising effort. She also didn't want any more money spent on land conservation.

Nick Vyniyes felt a new pool would be great but not without an alternative for swimmers while it was being built.

Jake Vicnick asked that the pool stay open because it had made him a better student.

Sim Chatham, swimmer from AC Reynolds, wanted swimming to continue because it helped so many kids.

Ashly Steed wanted the pool to stay open so she could be on the swim team in high school. She wanted all kids in the schools to be able to swim before they graduate.

Alfred from TC Roberson wanted the pool to stay open

Kristy Williams from the Erwin District said her students use the pool and that closing would affect all the districts. She asked that the pool be saved until an alternative can be found.

Camila Rogers, AC Reynolds swim team captain, wanted to make sure that the pool was open until it could be replaced.

Donna Cottal, mother of a swimmer, did not want the pool closed without an alternative because swimming was the only sport for many kids.

Mary Montgomery asked that an alternative be found for the pool where she trained and became an Olympic swimmer.

Max Oliver spoke in favor of the pool and the positive affects swimming had on students.

Anna Cottal spoke in favor of the pool staying open.

Emily Coty from West Henderson high school wanted the pool open.

Amy Davis from Erwin High School wanted the pool to stay open.

Eric Heider, Head Coach at West Henderson High School, said that 8.25 percent of all lane space is supplied by the Zeugner supplies to Buncombe County and without Zeugner the sport is over.

Dick Johnson from West Henderson asked that the Board not close the pool.

Scott Johnson wanted the pool to stay open.

Katie Crownover wanted the pool to stay open until something was built. The cost of maintaining the current pool should be considered versus the rental space.

Rick Arwood, physician and swimmer with kids that swim in the Roberson district felt that this was a basic community facility that should be replaced and kept open until there was a viable option.

Sean Cholock wanted the pool to stay open.

Kirk Appalan with YMCA of WNC asked that the space be kept open and offered their help in finding a solution.

Gavin Blake with West Henderson spoke in favor of keeping the pool open.

Sara Calloway, parent of a swimmer, said that keeping the pool open will address childhood obesity and closing the pool would have a very negative impact on the community.

Jerry Rice said that staff is doing a poor job of planning. The planned aquatic center was cited on a contaminated area. He suggested cutting taxes instead of building a pool.

Nicolette Phylson, teacher and swim coach, asked that the pool be kept open. She said the Board made a commitment to keep Zeugner open until there was another option.

The Chairman thanked everyone for coming and said they would have an update on March 3.

(The Board took a short recess)

Tom Thomas, Transylvania County resident and President of Back Country Horseman felt that the recent amendment to the County's Animal Control Ordinance was not appropriate and not enforceable.

An unnamed member of the North Carolina Horse Council said that the Council were not made aware of the ordinance amendments and asked for a 60 reprieve on the enforcement of the ordinance.

Sue Gray, Executive Director of the North Carolina Horse Council, opposed the ordinance amendment and asked the Board to rescind their action.

Dr. Beverly Hardison, Veterinarian, was opposed to the shelter required in the amendment. She offered her help with amending the ordinance.

Dr. Vicki Bohannon, Veterinarian felt that the shelter requirement would be detrimental to the health and wellbeing of horses and offered her services to work with drafting a better ordinance.

Bruce Peterson asked that the amendment be rescinded and any further amendments be reviewed by experts. He pointed out that the horse rescue facility used by the County would have to be shut down if it were required to comply with the new amendment.

Jacob Burrelson said that the amendment would affect his two horses and asked that the amendment be rescinded.

Courtney Clark shared facts she found online about horses and shelters.

Dillon Kiser spoke against the Animal Control ordinance amendment.

Ava Morgan, owner of the Shady Place Farm, asked that the amendment be rescinded because it would have an adverse effect on farmers.

Ester Freeman said that her farm would not be in compliance and that the requirements in the ordinance were unnecessary and urged the Board to rescind the ordinance.

Justin Gillespie, Agriculture Education teacher from North Buncombe High School, described how he used horses to train his students and he asked the Board to consider the impact of the ordinance amendment on the community.

Madalyn Johnson said she takes in horses that need rehabilitation and was opposed to the shelter requirement.

Don Yelton said that he had made multiple requests for information from the County Attorney and County Manager regarding the CTS issue. He resubmitted his requests in writing.

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 20, 2015 Regular Meeting*
- *Resolution Approving Pyrotechnic Experts for Firework Displays (date of pyrotechnic show was changed from February 18 to 19)*
- *Resolution Reactivating the Buncombe County Women's Commission*
- *Resolution Authorizing the Chairman to sign USGS Application to Name Creek in West Asheville "Penland Creek"*
- *Resolution Authorizing the County Manager to Execute an Agreement with the City of Asheville for Transportation Funding*
- *Resolution Approving Updated fire Insurance District Maps for Fairview Fire District*
- *Resolution Authorizing the Submission of an Application to the Asheville Regional Housing Consortium for HOME Funds and Approval of Housing Projects*
- *Resolution Authorizing the Execution of a Construction Agreement with the NCDOT for Pedestrian Access Infrastructure Improvements Near Hominy Valley Elementary School.*

Public Hearing

- **Rezoning Request Lifeway Christian Resources (Ridgecrest) R-1 to CR**

Josh O'Connor, Zoning Administrator, said that the request from Lifeway Conference Center for rezoning from R-1 to CR district was approved by the Planning Board and County Planning staff finding it consistent with the Land Use Plan and in the public interest.

The Chairman opened the public hearing at 7:20 p.m.

Michael Goforth representing Lifeway Christian Resources said that the lots will be used as parking for summer camps.

The Chairman closed the hearing at 7:22 p.m.

Commissioner Belcher moved to approve the request finding it consistent with the Land Use Plan and in the public interest. Commissioner Frost seconded and the motion passed 7-0.

County Manager's Report

The County Manager read a letter from Donna Clark, County Finance Director, outlining her intention to retire as of March 1. The County Manager asked the Board to appoint as Interim Finance Director, Tim Flora who currently serves as the Information Technology Director and is a CPA.

Commissioner Jones moved to add to the agenda the consideration of the appointment of Tim Flora as Interim Finance Director. Commissioner DeBruhl seconded and the motion passed 7-0.

Commissioner Frost moved to follow the County Manager's recommendation and appoint Tim Flora as the Interim Finance Director. Commissioner Jones seconded and the motion passed 7-0.

New Business

- **Land Conservation Advisory Board Annual Report/Funding Request**

Greg Hutchins, Chairman of the Land Conservation Advisory Board, gave a report and request as outlined in the power point attached to the minutes of the meeting. He reminded the Board that all the easements were voluntary. He requested \$35,000 to cover the transaction costs of conserving 241 acres in Sandy Mush.

Mr. Hutchins said that private donations cover the family's portion of the easement purchase and that families can continue to use their land as long as they live within the conservation easement constraints. Commissioner Fryar said that this property was beautiful but too high in elevation and within the steep slope requirements. He was opposed to the purchase.

Commissioner Newman thanked the committee for the work to preserve the county land and protect the natural beauty of the area.

Commissioner Newman moved to approve the request as stated. Commissioner Frost seconded the motion.

The motion passed 5-2 as follows:

AYES: Chairman Gantt; Commissioners Frost, Jones, DeBruhl and Newman

NOES: Commissioner Fryar and Vice Chair Belcher

Board Appointments

Vice Chair Belcher moved to reappoint **Paula Garber** and **Judy Olevnik** to the **Adult Care Home Community Advisory Committee**. The motion passed 7-0.

Announcements

The Chairman made the following announcements:

- *The next regular meeting of the Board will begin at 4:30 p.m. on March 3 in the Room 326, Commission Chambers at 200 College Street in downtown Asheville.*
- *Commissioners will meet in Room 326 at 200 College Street on February 17 beginning at 9 a.m. to hear non-profit agency funding requests*
- *Commission meetings can be seen on live on BCTV Channel 192 and on buncombecounty.org during the meetings and on demand at buncombecounty.org*

Vice Chair Belcher moved to adjourn the meeting. Commissioner Frost seconded and the motion passed 7-0. The meeting was adjourned at 7:46 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS