

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

BE IT REMEMBERED: That the Board of Commissioners met in regular session on March 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.

Wanda Greene, County Manager, gave an update on the use of the Zeugner Pool stating that she and Dr. Baldwin, Superintendent of County Schools would be working together to keep the pool open for an additional year. Through a memorandum of understanding, the schools would run the pool with County funding. She said that funding for the long term needs will be discussed later in the meeting and they will continue to look for private partners for a 25 meter 60 ft indoor pool to replace Zeugner.

PUBLIC COMMENT

Betty Jackson asked for more information on the \$141 million of projects that will be considered as part of the financing package to be discussed later in the meeting.

Stephanie Sizemore, local business owner, asked that the sale of mixed beverages in the county be put on a future ballot.

Timothy Bilford shared a figure about the racial makeup of the prison population. He complimented local law enforcement but wanted more incentives for keeping people out of prison.

Greg Nichols was pleased with the short term solution to keep Zeugner pool open but questioned what would happen if there was a major system failure.

John Schnouz said that the 4-H program was doing well and he wanted the master gardener program to be funded this year.

Emily Long from TC Roberson asked the Board to keep Zeugner open.

Kristine Vess spoke through a hearing interpreter stating that she had competed in the World Special Olympic games in swimming several times. She spoke in support of keeping Zeugner open.

Jerry Rice was not happy with having the schools manage the pools and accused the Board of making all their decisions in the back room.

Mike Brown was upset with closing the pool and wanted to keep it open.

Stacey Sullivan wanted to keep the zeugner pool open. She said that the pool did not leak and did not need to be ADA compliant.

Dick Roddom spoke in support of keeping zeugner open until a new facility is built.

Lisa Baldwin thanked the Board for revisiting their decision on animals. She said she wanted the HHS decision revisited and the construction stopped. She said that there was no need for a new building that would have a zero rate of return.

GOOD NEWS

- **Livestock Market Update**

LT Ward with WNC Communities explained their 65 years of service to the surrounding communities and their accomplishments including the Livestock Market. He gave a power point presentation that is attached to the minutes of this meeting.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

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

- **Approval of the Minutes of the February 3, 2015 Regular Meeting**
- **Resolution Approving Plat Review Officers**
- **Resolution Adopting Amended Board Rules**
- **Resolution Authorizing Lease of Space from Sole Source (162 Coxe)**
- **Resolution Authorizing Lease of Space from Sole Source (52 Coxe Avenue)**
- **Decline Offer to Purchase Surplus Property from County Schools**
- **Asheville Buncombe Technical Community College Capital Projects Ordinance**
- **Capital Projects Ordinance**
- **Resolution Awarding Service Firearms to Retiring Deputies (Bryan Cleve Rice; Ronald Ray; Don Allison; Ron Heacock; Charles Kielson; Vick Hutchinson; Rosemary Kuykendall-Rice; Mary Tunstall; Timmie Goodridge; Jeffrey Austin; Ed Winslow; Scott Dutcher; Helen Hall; Grover Lewis; Bobby Hoglen; Benjamin Jaramilles; Roger Web; Don Reavis; Anthony Scott Martin)**
- **Road petition: Wodbriar Road; Woodthorn Road; Thistlewood Court; Forestwood Road**
- **Release Report**
- **Approval of Contract for Fiscal Year 2015 Independent Financial Audit with Gould Killian CPA Group**

Public Hearing

- **Rezoning Request: Former Weaverville ETJ Various Applicants R-2 to R-1**

Josh O'Connor, Zoning Administrator, said that this rezoning included multiple parcels requesting a designation to R-1 from R-2. The Planning Board and Planning staff found that it was consistent with the land use plan and in the public interest. They recommend that the Board approve the rezoning.

The Chairman opened the hearing at 6 p.m.

Ann Bollinger, Sara Faulkner and Ann Haversham from the neighborhood in question asked that the Board approve the rezoning as requested.

The Chairman closed the public hearing at 6:09 p.m.

Commissioner Frost moved to approve the Resolution finding the property consistent with the land use plan and in the public interest. Commissioner DeBruhl seconded the motion and it passed 7-0.

Commissioner Frost moved to approve the ordinance approving the requested zoning change. Vice Chair Belcher seconded the motion and it passed 7-0.

- **Rezoning Request: James White R-3 to R-1**

Josh O'Connor, Zoning Administrator, explained the request to rezone the property from R-3 to R-1. He said that the Planning Board and Planning staff found this to be consistent with the land use plan and in the public interest.

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

James White, petitioner and President of the property owners association said that he had 100 percent support from all the property owners in the petition. He requested that the rezoning be approved as presented.

The Chairman closed the hearing at 6:17 p.m.

Commissioner Fryar moved to approve the Resolution finding the request consistent with the land use plan and in the public interest. Vice Chair Belcher seconded and the motion passed 7-0.

Vice Chair Belcher moved to approve the ordinance approving the requested zoning change. Commissioner DeBruhl seconded and the motion passed 7-0.

- **Rezoning Request: Former Weaverville ETJ Various Applicants R-3 to CS**

Mr. O'Connor, Zoning Administrator, explained the requested rezoning from R-3 to Commercial Service. He said that the Planning Board and Planning staff had found that this is consistent with the land use plan and in the public interest.

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

No comments were taken and the Chairman closed the hearing at 6:25 p.m.

Commissioner Newman moved to approve the Resolution finding the request consistent with the land use plan and in the public interest. Commissioner Fryar seconded and the motion passed 7-0.

Commissioner Frost moved to approve the Ordinance approving the requested zoning change. Commissioner Newman seconded and the motion passed 7-0.

- **Rezoning Request: Mack Padgett CS to R-3**

Mr. O'Connor said that this request was to rezone a property adjacent to US 70 in Swannanoa from commercial service to R-3. The Planning Board and Planning staff recommend approval of the request and found it consistent with the land use plan and in the public interest. He said that several people had opposed the rezoning.

The Chairman opened the public hearing at 6:30 p.m.

Mack Padgett, petitioner, said that he wanted to add more lots to his mobile home park and under the current commercial service zoning he was not allowed.

Andrew Bell from Swannanoa asked that this request for rezoning not be approved so that the mobile home park could not expand. He said that the land in question was near the river and downtown Swannanoa and he asked that this request not be approved as requested.

Sophia from Swannanoa also asked that this not be rezoned to R-3 and remain commercial service.

The Chairman closed the public hearing at 6:35 p.m.

Vice Chair Belcher moved to approve the Resolution finding this rezoning consistent with the land use plan and in the public interest. Commissioner DeBruhl seconded the motion and it passed as follows:

AYES: Vice Chair Belcher; Commissioners Fryar, Jones, DeBruhl, Newman

NOES: Chairman Gantt and Commissioner Frost

Vice Chair Belcher moved to approve the ordinance approving the requested zoning change. Commissioner Fryar seconded and the motion passed as follows:

AYES: Vice Chair Belcher; Commissioners Fryar, Jones, DeBruhl, Newman

NOES: Chairman Gantt and Commissioner Frost

- **Resolution Approving an Installment Purchase Contract and a Deed of Trust and the Delivery Thereof and Providing for Certain Other Related Matters**

The County Manager presented the resolution and reviewed each of the projects that were going to be financed. She said that the financings were first presented as reimbursement resolutions. She explained that the reimbursement resolutions allowed the county to repay itself for expenses incurred as part of the projects before the financing was completed. She outlined the process in a power point attached to the minutes of the meeting.

The Manager explained the work of the Local Government Commission and how they preferred debt to be presented.

Following discussion by the Board members, the Chairman opened the public hearing at 7:47 p.m.

Dr. Heather Kruger said that the Zeugner pool was used for many reasons other than high school swimming. She said that the 2008 agreement promised a covered pool at the Springside Road location.

Betty Jackson asked about competitive bidding on the projects and whether the bids would be public. She questioned the total amount of debt for the County and whether the County considered putting the firing range was on the landfill.

Lisa Baldwin was concerned about the amount of debt that the County had incurred. She criticized the Enka Intermediate School bidding process and construction.

Jerry Rice criticized the Board, the number of meetings they have and the amount of money they spend. He wants the Board to be conservative and not build the intermediate school.

Eric Vess, swim coach wanted the County to consider building an aquatics facility and to keep Zeugner open until something is built.

The Chairman closed the hearing at 8 p.m.

Commissioner Fryar said he would vote against the financing and criticized the timing and presentation of information about the projects to be financed and suggested that the firing range be built on the new landfill to save money.

Commissioner Frost moved to approve the resolution and all necessary documents as presented. Commissioner Jones seconded and the motion passed as follows:

AYES: Chairman Gantt; Vice Chair Belcher; Commissioners DeBruhl, Jones, Frost, Newman

NOES: Commissioner Fryar

New Business

- **Animal Control Ordinance Amendment**

Commissioner Frost said that the initial changes to the Animal Control Ordinance were to target neglectful owners. As a result of the responses, she and the Chairman met with farmers and horse council members and came up with language to discourage neglect. She said that there is nothing included to ban tethering; however, that is still being researched.

Mike Frue, Senior Staff Attorney, reviewed the ordinance changes as presented in the agenda and two additional changes regarding adequate shelter and animal care.

Commissioner Frost moved to approve the amendment including the language as outlined by the Senior Staff Attorney. Commissioner Newman seconded.

John Tate with the NC Horse Council, thanked the Board for revisiting the ordinance. He said that on behalf of the council he supported this version as motioned by Frost and Newman.

Jimmy Cowan with Farm Bureau spoke in support of the ordinance stating that the council was not happy that the County was regulating livestock; however, they were happy with the discussion and the version that is presented. He said that they do not condone the neglect of animals and ask that they be consulted in the future about any further amendments.

The motion passed 7-0.

- **Budget Amendment: Fund 10 \$759,020 Child Care Subsidy; Public health Funding; Medicaid Transportation**

Ms. Stone explained the budget amendment as outlined on the agenda. Vice Chair Belcher moved to approve the budget amendment as presented. Commissioner DeBruhl seconded and the motion passed 7-0.

- **Resolution Accepting Offer to Purchase County Property Located at 202 Haywood Street**

The County Manager said that this resolution accepts the offer to purchase the 202 Haywood Street property for just over \$4 million. Commissioner Frost moved to approve the resolution as presented. Commissioner Fryar seconded and the motion passed 7-0.

Board Appointments

Commissioner Frost moved to appoint **Rachel Sudnik** to the **Historic Resources Commission** joined by Commissioners Newman, Jones and Chairman Gantt. Commissioner Belcher moved to appoint Ron Levine to the Historic Resources Commission joined by Commissioners DeBruhl and Fryar. **Ms. Sudnik** was appointed for a three year term.

Commissioner Newman moved to reappoint **Michael Kryzaneck; Mark Morris; Jim Edmonds, Debbie Lane and Jerome Jones** to the **Board of Equalization and Review**. The motion passed 7-0.

Commissioner Belcher moved to appoint **Sonya Greck** to the **Health and Human Services Board**. The motion passed 7-0.

Commissioner Frost moved to appoint **Katherine Elliott** to the **Nursing Home Community Advisory Committee**. The motion passed 7-0.

Commissioner DeBruhl moved to appoint **Jean Gard** to the **Adult Care Home Community Advisory Committee**. The motion passed 7-0.

Announcements

The Chairman made the following announcements:

- *On March 10, the Board will hold interviews with Planning Board applicants beginning at 3 p.m. at 200 College Street Room 316*
- *On March 17, the Board will hold a budget workshop beginning at 8 a.m. in the First Floor Conference Room at 200 College Street*
- *The next regular meeting of the Board will be April 7 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *Commission meetings can be seen on live and on demand on buncombecounty.org and on BTV Charter Cable Channel 192.*

Commissioner Frost moved to adjourn the meeting. Vice Chair Belcher seconded and the motion passed 7-0. The meeting was adjourned at 8:45 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS