

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JUNE 16, 2015 AT 4:30 A.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on June 16, 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; Jon Creighton, Assistant County Manager/Planning Director; Tim Flora, Finance Director; 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

Ken Michalove criticized Asheville city management and requested that the Board remove any funding for Pack Place facilities including the Diane Wortham Theatre and art museum. His comments are attached to the minutes of the meeting.

Tyler Maynard explained problems he was having with drainage due to lack of storm water management. He said that NCGS 77-14 provided a way for county agents to remove water and drain water problems but the County's Storm water Manager could not enforce this law unless told to by his supervisors. He requested that the County have their attorney review his problem in light of the statutes he quoted.

Dave Starkey, president of the Asheville Arts Council, thanked the Board for funding the Arts and making the community a better place.

Ben Camp with Asheville Buncombe Regional Sports Commission, thanked the Board of helping to keep the Southern Conference in Asheville. He was disappointed with the funding cuts in the proposed budget and asked for consideration of more funding next year.

Dee Dee Styles asked that the Planning Board address the pending 134 home subdivision on 64 acres in Reems Creek area that would only have one exit.

Gary Colback supported funding of the arts council.

Betty Jackson opposed giving money for economic development.

John Landgrover, rezoning petitioner, asked that his issue not be tabled to the next meeting. He wanted his property rezoned to its original R-2 stating that the county staff did all they could to get in touch with him when he was out of state. He did not like to battle his neighbors but wanted his property rezoned R-2 regardless of the notice procedures. He said it was the applicant's responsibility to certify that all petitioners were contacted.

John Newman from Colburn Earth Science Museum said that they were moving out of Pack Place to a more visible spot and would seek County funding next year.

Lisa Baldwin spoke about funding inequity in county schools saying she never got a response from her previous comments to the Board. She criticized a political action committee funded by the County.

Jerry Rice criticized the budget public hearing being held before the final budget was presented. He questioned the county school fund balance and the funding of non-profits.

Sara Faulkner talked about the notification error in the Landgrover rezoning. She asked that the item on the agenda be tabled.

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 June 2, 2015 Regular Meeting**

- **Resolution Authorizing Execution of Easement to the City of Asheville (Asheville Middle)**
- **Resolution Authorizing Execution of Deed to the City of Asheville (Lakeland Park)**
- **Resolution Donating Surplus Virtra IVR 180 Training Simulator to the Asheville Police Department**
- **Resolution Authorizing the Purchase of Property Located at 121 Stone Drive in Swannanoa Adjacent to Owen Pool**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Resolution Adopting Policy Guidelines for the Reasonable Modification/Accommodation of Mountain Mobility Policies, Procedures and Practices**
- **Budget Amendments: Fund 10 – Sales Tax & Transfers; Fund 80 – Retiree Incentive Revenues; Fund 20 – Occupancy Tax**
- **FY 15 Final Budget Summary**
- **Capital Projects Ordinance FY15**
- **Grant Projects Ordinance FY15**
- **Special Projects Ordinance FY16**
- **ABTCC Capital Projects Ordinance FY16**
- **School Capital Commission Fund Project Ordinance FY16**
- **Capital Projects Ordinance FY16**
- **Grant Projects Ordinance FY16**

GOOD NEWS/PROCLAMATIONS

- **Congratulations to the Enka Sugar Jets – 2015 State 3-A Softball Champions**

Vice Chair Belcher and Commissioner DeBruhl read the proclamation and presented certificates to members of the team. Coach Jennifer Kruk said the team was currently ranked 11th in the nation in the USA-Today polling.

PUBLIC HEARING

- **Economic Development Incentive for Tyco Electronics Corporation**

Jon Creighton, Assistant County Manager/Planning Director, said that Tyco Electronics would be making an expansion in their Fairview Plant that had been there since the 1950's. The company has over 35 facilities across the US with over 90,000 employees worldwide. He reviewed the investment effects on the community through two slides attached to the minutes of this meeting. The Fairview Plant Manager said they were acquired by Tyco in 2000 and are now TE Connectivity and employ 284 people including a few that had been with the company since the 1950's. They have hired 74 new employees and have made a capital investments of \$2.5 million.

The Chairman opened the public hearing at 5:44 p.m.

Betty Jackson asked why Tyco was basing their expansion on taxpayer funding.

The Chairman closed the hearing at 5:45 p.m.

Commissioner Newman congratulated the company on their success and for bringing additional jobs into the community.

Commissioner Fryar supported the incentive stating that their investment must be verified before the incentive is paid.

Commissioner Frost moved to approve the incentive. Commissioner Jones seconded and the motion passed 7-0.

- **Rezoning Request – John & Brenda Landgrover – R-1 to R-2**

The Chairman made a motion to table the matter to allow time to gather additional information. Commissioner Frost seconded the motion.

Commissioner Belcher said he did not support the motion to table and wanted to allow Mr. Landgrover a chance to present his request without prolonging the matter until August. He suggested that he be able to revert to former zoning until the decision is made by the Board. He did not want this to pit neighbor against neighbor.

Commissioner Fryar felt due to the mistakes in notification, Mr. Landgrover should be able to have his property zoned as requested and he was not in favor of tabling the issue.

Commissioner Frost agreed to table to allow more time to determine where the mistake was made.

Commissioner DeBruhl said that the land owner was not notified and should be heard at this meeting instead of waiting.

Commissioner Newman wanted to wait to have all the information properly presented before making a judgement on the zoning.

The motion to table the matter passed as follows:

AYES: Chairman Gantt; Commissioners Frost, Jones and Newman

NOES: Vice Chair Belcher, Commissioner DeBruhl and Fryar

- **Rezoning Request – Avery’s Creek LLC - RLD to R-2**
- **Rezoning Request – Zoning Administrator – RLD to R-2**

Debbie Truempy, County Zoning Administrator, said that the Planning Board found the requested rezoning consistent with the land use plan, reasonable and in the public interest. The rezoning was recommended for approval after a public hearing was held by the Planning Board.

The Chairman opened the public hearing on both properties at 5:54 p.m.

Fred Spiegel, petitioner, said that he plans to develop the property. The Chairman closed the public hearing at 5:56 p.m.

Vice Chairman Belcher moved to approve the rezoning as requested by Avery's Creek LLC. Commissioner Frost seconded and the motion assed 7-0.

Commissioner Fryar moved to approve the rezoning as requested by the Zoning Administrator. Vice Chair Belcher seconded and the motion passed 7-0.

NEW BUSINESS

- **Adoption of FY16 Budget**

Wanda Greene, County Manager, reviewed the FY16 budget as previously presented stating that hard work had been done to bring a budget with no tax increase while meeting the state and local needs. She warned about impact on the FY17 budget that would include state budget and sales tax changes. The County would begin losing revenue in 2017 unless a new tax referred to as 43a was implemented.

Commissioner Jones confirmed that 43a would only impact the county and that municipalities would have losses.

Commissioner Frost moved to adopt the budget as presented. Commissioner Newman seconded and thanked the staff for their hard work on the budget.

Commissioners Frost, DeBruhl, Jones and Chairman Gantt expressed their support for the budget and the way it supported the community.

Commissioner Fryar wanted more money spent for AB Tech and less going to the non-profits. He said he supported 90 percent of the budget but felt more should be spent for vocation education and he would vote against the budget.

The motion passed as follows:

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

NOES: Commissioner Fryar.

BOARD APPOINTMENTS

Vice Chair Belcher moved to appoint the following to the **Mountain Area Workforce Development Board** for the terms shown:

- **Dr. Dennis King -- rep higher education - 2 years**
- **Tim Lampkin -- rep economic development - 3 years**
- **LeElaine Comer-- rep community based opportunities -- 2 years;**
- **John Rakes -- rep community based opportunities -- 1 year**
- **Ken Frisbee -- rep Labor council – 3 years**
- **Paul J. Rhodes -- rep Labor council - 1 year;**
- **Kathryn McIntyre -- rep vocation rehabilitation - 2 years**
- **Peter Cook -- rep manufacturing – 1 year**
- **Bryan Dover -- rep manufacturing – 1 year**
- **Eric Oelschlaeger -- rep manufacturing -- 3 years**
- **Laurie Watt -- hospitality/tourism -- 2 years**
- **Ann Ashley – hospitality/tourism – 2 years**

The motion passed 7-0.

Commissioner Jones moved to appoint **Heather Welch, Jennifer Ramming** and **Maceo Keeling** to the **Juvenile Crime Prevention Council**. The motion passed 7-0.

Commissioner Frost moved to appoint **Diana Glass** to the **Nursing Home Community Advisory Committee** for a one year term. The motion passed 7-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *August 4 – 4:30 p.m. – The next regular meeting of the Board in Room 326 at 200 College Street in downtown Asheville*

Commissioner Frost moved to go into closed session under GS 143-318.11a3 to discuss a legal matter. Vice Chair Belcher seconded and the motion passed 7-0.

CLOSED SESSION

Jon Creighton, Assistant County Manager/Planning Director, gave an update on the problems with WastePro, the County garbage collection franchise holder. The Board heard from the County Attorney on how to address the problems in light of the franchise contract. No action was taken.

Commissioner Frost moved to return to open session. Commissioner DeBruhl seconded and the motion passed 7-0.

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

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS