

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF SEPTEMBER 1, 2015 AT 4:30 A.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 1, 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, Vice Chair
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; 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?

PUBLIC COMMENT

Don Yelton questioned the number of board meetings being held and criticized the letter regarding the sales tax revenues. He was concerned with redistribution of wealth by the government and borrowing too much money for projects. He complained about local alcohol use and its impact on the social structure.

Jerry Rice wanted the Board to schedule more community meetings so that the public could express their concerns.

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 August 4, 2015 Regular Meeting**
- **Resolution of intent to Convey and Advertise for Upset Bids**
- **Resolution Authorizing Assignment of Bid**
- **Resolution Appointing Deputy Clerk to the Board**
- **Approval of Transfer of Equipment to the Administrative Office of the Courts for the DA**
- **Resolution of Intent to Solicit Bids for Sale of Surplus County Property**
- **Approval of Governors Crime Commission Grant Application (No local match required)**
- **Resolution Recognizing Authority of this Board to Remove Members of Boards of Directors of Fire Departments Participating in the Local Government Employees Retirement System**
- **Budget Amendments: Fund10; Fund 30**
- **Special Projects Ordinance**
- **School Capital Commission Fund Project Ordinance**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**
- **Solid Waste Capital Project Ordinance**
- **Release Report**

GOOD NEWS/PROCLAMATIONS

- **Proclamation of Asheville/Buncombe Time Capsule Day**

Commissioner Jones read the proclamation and moved for its approval. She presented it to Debbie Ivester with the City of Asheville Department of Development. The proclamation would become part of the 2015 time capsule that would be placed under the Vance Monument on September 18, 2015. The capsule will be opened in 2115. The motion passed 7-0.

- **Proclamation of International Day of Peace**

Commissioner Newman read the proclamation and moved for its approval. He presented the proclamation to Rachel Bliss and members of the committee for peace. The motion passed 7-0. Ms. Bliss said that this had been celebrated for 5 years and outlined the events that were part of the celebration.

- **Proclamation of Minority Enterprise Development Week**

Commissioner Frost read the proclamation and moved for its approval. She presented it to James Lee, Chair of the Minority Enterprise Development Committee. The motion passed 7-0. Mr. Lee thanked the Board and outlined the events planned for the week.

PUBLIC HEARING

- **Resolution Increasing the Room Occupancy & Tourism Development Tax to 6 Percent**

Tim Flora, Finance Director/IT Director, gave a power point that is attached to the minutes of this meeting explaining the legislation that would allow the increase in the room occupancy tax. He said that this would affect the revenue stream for the Tourism Development Authority (TDA) of which he is the Finance Officer. Stephanie Brown, TDA Director, outlined how this increase in revenue would be used to attract more tourists and sustain jobs in many areas including the service industry. The Chairman clarified that the increase would raise \$5 million in additional revenue.

Ms. Brown said that businesses could apply for funding in June with awards given in October. She said that there was a change in the legislation that would eliminate funding for-profit businesses. Only non-profits can be funded in the future. Commissioner Jones asked how the City would continue to handle visitors as they increase. Ms. Brown said that the TDA had a strategic plan that included a destination analysis to find a holistic approach for the future increased demand. She gave examples of possible grant projects such as the riverfront redevelopment.

The Chairman opened the public hearing at 5:19 p.m.

Jerry Rice said he was concerned about the service industry. He wanted more living wage and sustainable jobs. Michael Blankenship said he attended the TDA meeting and wanted the discussion tabled with no action taken. He said that tourism did not build community and he did not want the tax increase.

Don Yelton was concerned about the lack of quality of life and was opposed to greenways, zoning, taxes and government. He wants property taxes frozen.

Jim Muth owns a bed and breakfast and is a member of the TDA board. He was in favor of the increase in the tourism tax.

Rebecca Heck asked the Board to send the legislation back to Raleigh and have them make it better. As a business owner, she said it was getting more difficult for her clients to access her downtown business and that residents that are year round customers are hurting and the tax should address that problem.

Ahman Shamear, Manager of the Holiday Inn, asked that the Board approve the tax. He said that the TDA helped them by driving business to them during the rock slide road closing. He asked that the tax be approved.

Tracy Johnson Crumb with the Omni Grove Park spoke in favor of the resolution.

John Lockett from the Grand Bohemian Hotel asked that the sales tax be approved. They employ 120 county residents. He works on the tourism development project fund.

Greg Warren spoke in favor of the increase in occupancy tax. He was happy that the product development fund would not be going to for-profit businesses and encouraged the Board to continue to work with the TDA and legislatures to make sure this tool is to the benefit of all citizens.

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

Chairman Gantt moved to approve the resolution increasing the tax. Commissioner Frost seconded the motion.

Commissioner Newman said tourism was significant to our economy and he was supportive of increasing the fees for occupancy; however he was concerned with how the funds would be distributed. Marketing is good but there should be stronger support for infrastructure. He felt that 25 percent for development and 75 for marketing was the wrong balance. He said he would not vote in favor of the motion but would prefer to work with the legislature on changes.

Commissioner Frost spoke in favor of living wages stating that the legislature won't be willing to change the percentages and should work locally on the percentages.

Commissioner Belcher who serves on the TDA Board said that he understood the use of the revenues and was in favor of the percentages attributed to marketing and product development funds. He pointed out that this increase would not cost the County taxpayers and would help keep down property taxes.

Commissioner Fryar said he would like to see the funding go to municipalities outside the City of Asheville and that this tax would not appear on any County taxpayer's bill.

Commissioner DeBruhl said that this was a tax increase that won't help residents and was opposed to it.

Commissioner Jones said that the legislature should have worked with the county on the legislation. She felt it should be reviewed and would like to review it again in October.

The Chairman said that tourism and community must work together. He was in support of the increased tax and the use of the revenue.

Following some confusion as to whether the resolution could be considered at the next meeting if it failed to pass at this meeting, Commissioner Fryar moved to go into closed session to discuss a legal procedure for further consideration of the resolution. Commissioner Frost seconded and the motion passed 7-0.

Closed Session

The County Attorney instructed the Board that if the resolution failed to pass at this meeting, it could be brought back at any time by any member of the Board. The enabling legislation did not require a time limit.

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

The Chairman said that all procedural questions were answered and if the resolution was not approved at this meeting, it could be brought back by anyone in the future.

The motion passed 4 to 3 as follows:

AYES: Commissioner Fryar, Frost, Chairman Gantt and Vice Chair Belcher

NOES: Commissioners Jones, DeBruhl and Newman

Vice Chair Belcher moved to allow the Public Hearing to Abolish and Establish Certain Fire Districts to be moved up on the agenda. Commissioner Frost seconded and the motion passed 7-0

- **Resolution Setting Public Hearing to Abolish and Establish Certain Fire Districts**

Mike Frue, Senior Staff Attorney, said that the goal was to move from 35 rural fire districts to 19 districts with more clearly defined roles. He described the process from 35 to 19 districts outlining the legislation that enabled fire district creation in a power point presentation that is attached to the minutes of the meeting. He said there would be no change in service or tax but the changes would make service and taxing projections much easier. He asked that a public hearing be set for October 20, 2015. A notice would be sent to all citizens impacted by the change and a notice and map would be published in a newspaper of general circulation.

Commissioner Fryar questioned the cost of notice to the citizens. The fire chief's association agreed that they would pay for the cost of the notices to the citizens.

Thad Lewis, Riceville Fire Chief, explained how these changes would help the fire districts and this was the best way to serve the taxpayers.

Vice Chair Belcher moved to approve the resolution setting the public hearing for October 20. Commissioner Newman seconded and the motion assed 7-0.

- **Resolution Calling for the Consideration of Extension of EMS Services to Certain Fire Protection Service Districts**

Tim Hinman, EMS Supervisor explained the history of the fire district's ambulance service. Currently there are ambulance services in 6 districts that report to the EMS Director. All districts back up Buncombe EMS ambulance services as well.

Commissioner Newman moved to approve the resolution. Commissioner Frost seconded and the motion passed 7-0.

- **Zoning – Blue Ridge Parkway Overlay District**

Debbie Truempy, County Zoning Administrator, said that, at the request of the Board of Commissioners, the Planning Board had studied ways to protect the Blue Ridge Parkway having met with Parkway staff and taken public comment. They have made recommendations that the staff have incorporated into the proposed district overlay. The Chairman opened the public hearing at 7:20 p.m.

Don Yelton said that Barnardsville suffers from being part of the watershed and he wanted it noted that the Board consider the creation of an overlay that does not tax property that can't be used. If they restrict their property they should be rewarded for this restriction.

Judy Maddox, Chair of the Sierra Club, thanked the Commissioners, staff and Planning Board for this action and encouraged them to vote for this and protect the scenic beauty

Lisa McGurder asked that the view be preserved along the parkway. She was in favor of the text amendment.

Ken Braine spoke in favor of this text amendment.

Jerry Rice was not in favor of this amendment asking who would be affected by the action and urging that the Board require the Planning Board meetings to be held in the evening.

The Chairman closed the hearing at 7:27 p.m.

The Chairman moved to approve the resolution finding it consistent with the land use plan and in the public interest. Commissioner Frost seconded the motion.

Commissioner Fryar spoke in opposition to the text amendment because he did not want to tell anyone what they can and can't do with their property.

Commissioner Belcher felt the current setbacks were adequate and did not want to require homeowners to make changes to their property.

Commissioner DeBruhl said that if the Parkway officials were happy with the current overlay then she felt additional requirements would be too intrusive and would effective private property owners.

The motion passed as follows:

AYES: Commissioners Frost, Newman, Jones and Chairman Gantt

NOES: Commissioner DeBruhl, Vice Chari Belcher and Commissioner Fryar

OLD BUSINESS

- **Local Option Sales Tax Changes**

Wanda Greene, County Manager, said that proposed legislation would redistribute local sales tax to surrounding counties resulting in a loss of \$2.9 million to Buncombe County next year, increasing in coming years. The NC House had not supported the bill but the NC Senate voted for the changes.

Commissioner Frost moved to approve the letter as written. Commissioner Newman seconded.

Commissioner Jones thanked the Chamber of Commerce for their work on this issue.

Commissioner Fryar was opposed to sending a letter because he felt it would fail due to the lack of support in the NC House.

The motion passed 4-3 as follows:

AYES: Chairman Gantt, Commissioners Frost, Jones and Newman

NOES: Vice Chair Belcher, Commissioners DeBruhl and Fryar.

NEW BUSINESS

- **Request for Matching Funds to Bring Vietnam Wall to Buncombe County**

Kevin Turner, Veteran Services Director, said that 35 percent of the County's veterans are from the Vietnam era. He introduced Spider Tranthum, a decorated Vietnam Era veteran, who asked that the County support bringing the traveling Vietnam Wall back to the County. He said that travel to Washington DC to see the original wall was not possible for many veterans and many of them won't talk about the war but the wall will allow them to discuss the era with their families. Western North Carolina has 149 names on the wall.

Mr. Turner referred to the budget request that is attached to the minutes of the meeting.

The Chairman said that the County would match up to \$6,000 totally contributions; asking the municipalities to fund \$1,000 each to fund the wall's visit.

Commissioner Frost moved to approve the funding of \$6,000 match with municipalities. Commissioner Jones seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Commissioner Frost moved to appoint **Pam Baldwin** to the **Asheville Buncombe Technical Community College Board of Trustees**. The motion passed 7-0.

Commissioner Newman moved to appoint **Jenifer Bubenik** to the **Nursing Home Community Advisory Committee**. The motion passed 7-0.

Chairman Gantt moved to appoint **Tommasanne Davis** to the **Mountain Area Workforce Development Board** representing Mission Health. The motion passed 7-0.

Commissioner Newman moved to reappoint **John McKibbin** to the **Tourism Development Authority**. The motion passed 7-0.

Commissioner Fryar moved to reappoint **David Carpenter** to the **Historic Resources Commission**. The motion assed 7-0.

Commissioner Belcher moved to appoint **Carol Rogoff-Hallstrom** and **Rasheeda McDaniel** to the **Asheville Buncombe Community Relations Council**. The motion passed 7-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *October 6 – 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 adjourn the meeting. Commissioner DeBruhl seconded the motion and it passed 7-0. The meeting was adjourned at 8 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS