

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF OCTOBER 20, 2015 AT 4:30 A.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on October 20, 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: Mandy Stone, Assistant County Manager/HHS Director; Tim Flora, Finance Director; Bob Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENT**

Jerry Rice requested the Board call a public hearing to consider the impact of possible contamination at the old BASF property and its impact on the recreation and school facilities to be located on that site. He felt that there were too many secrets surrounding the move of the college off the site and the contamination.

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

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

- **Approval of the Minutes of the October 6, 2015 Regular Meeting**
- **Resolution Authorizing Assignment of Bid (Ziakowski)**
- **Resolution Authorizing Assignment of Bid (Rickets)**
- **Resolution of Intent to Convey and Advertise for Upset Bids**
- **Resolution Granting Easements to the MSD (9720.30-8112; 9720.40-0617; 9720.41-2042)**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Biltmore Estate)**
- **Budget Amendments: Fund 10 – discount ticket sales; community health grant;**
- **Special Project Ordinance**
- **Grant Projects Ordinance**

**GOOD NEWS/PROCLAMATIONS**

- **Proclamation of November as Lung Cancer Awareness Month**

Commissioner Jones read the proclamation and moved for its approval. Commissioner Belcher seconded and the motion passed 7-0.

**PUBLIC HEARING**

- **FY2017 Section 5311 Community Transportation Program Grant Application**

Denise Braine, County Planner, presented the recommendations for grant applications for FY17 the Community Transportation Plan to NC Department of Transportation for Mountain Mobility. The application requires a public hearing.

In answer to a question from Commissioner Belcher, Ms. Braine said that all the vehicles are county owned and when they reach the end of their useful life, they are listed on gov deals auction site and sold.

The Chairman opened the public hearing at 4:52 p.m.

No comments were taken and the hearing was closed at 4:53 p.m.

Commissioner Newman moved to approve the resolution as presented. Commissioner Fryar seconded and the motion passed 7-0.

- **Establishing Fire Protection & Ambulance & Rescue Service Districts**

Mike Frue, Senior Staff Attorney, said that the official establishment of these fire districts would correct many issues and simplify and consolidate districts. There would be no change in service to the citizens; there would be no change in tax rate; the tax request process would remain the same; there were no plans to promote annexation and insurance rates would also stay the same. The State Fire Marshal was in favor of the changes that will bring clarity to the insurance rate maps.

Chief Lewis from Riceville Fire Department explained that the Fireman's Association was in favor of allowing any district to have the same authority to have ambulance service if they choose to. He said that the association knew making these changes would be complicated; however, they fully support the consolidation requested as part of each of the public hearings. He said that there were 6 parcels in the Riceville area that would have a tax increase from 9 to 11 cents. All other parcels in this area are already paying 11 cents.

Tim Hinman, EMS coordinator for Skyland Fire Department, gave a history of the ambulance service in the County going back to its beginning in 1967. In 1972 Jerry VeHaun was hired to run the EMS Service. Now the fire departments in concert with the EMS system have ambulances housed at the fire departments. Ambulance applications must be approved by the County before they go to the State of North Carolina.

- **Asheville Special**

The Chairman opened this public hearing at 5:32 p.m.

David McClain asked for an explanation of the tax rates as outlined in the notice sent to residents.

Mike Frue, Senior Staff Attorney, said that Haw Creek was included in this district and that the City of Asheville and Reems Creek Fire Departments had been servicing the area. The City of Asheville will service this district and the taxing authority resides with the Board under state law with no change of service or taxing amount.

Carol Orr asked if there was a way to avoid allowing the cap on the tax amount to go up.

Tim Evans was concerned about the distance between Chunn's Cove and Haw Creek and the service to each area.

The hearing was closed at 5:36 p.m.

Mr. Frue said that these changes would not change any level of service. Everything would remain the same; however, he said that this change would increase the exposure for taxation in this district but they would still have to follow the same procedures for requesting any increase in taxes. Commissioner Newman asked if there were any statutory regulations that would prohibit fire department funds from being used for things other than fire department needs. Mr. Frue said that all funds were audited.

- **Barnardsville**

Mr. Frue explained this district as outlined in the map and report attached to the minutes of this meeting.

The Chairman opened the public hearing at 5:45 p.m.

Janet Hurrand said she lived in Barnardsville Fire District and the Barnardsville Chief feels that they don't have access to her property and don't service her and she wants her taxes to go to Reems Creek because it is the department that services her house.

Kay Gaddy has vacant land in the Barnardsville area and asked if it would be provided fire protection.

Mr. Frue said that Barnardsville does join Reems Creek and the two departments must service each other. There are no plans to change the service but lines could be addressed in the future if needed. The Chairman asked that Ms. Hurrand and Ms. Gaddy be contacted.

The Chairman closed the hearing at 5:54 p.m.

- **Fairview**

Mr. Frue explained this district as outlined in the map and report attached to the minutes of this meeting.

The Chairman opened the public hearing at 5:55 p.m.

Dale Akin said he was on a fixed income and was concerned that his tax rate would go up. He wants no changes made to the fire district.

Mr. Frue pointed out that the taxing ability of this district would stay the same.

The Chairman closed the hearing at 5:57 p.m.

- **French Broad**

Mr. Frue explained the details of this district which is one of the few with a .15 tax cap. The Chairman opened the hearing at 6:10 p.m. No Comments were taken. The Chairman closed the hearing at 6:11 p.m.

- **Jupiter**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:12 p.m. The hearing was closed at 6:14 p.m.

- **Leicester**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:15 p.m. No comments were taken and the Chairman closed the hearing at 6:16 p.m.

- **North Buncombe**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:20 p.m. No comments were taken and the Chairman closed the hearing at 6:21 p.m.

- **Reems Creek**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:22 p.m. No comments were taken and the Chairman closed the hearing at 6:23 p.m.

- **Reynolds**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:25 p.m. No comments were taken and the Chairman closed the hearing at 6:26 p.m.

- **Riceville**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:27 p.m. No comments were taken and the Chairman closed the hearing at 6:28 p.m.

- **Skyland**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:29 p.m. No comments were taken and the Chairman closed the hearing at 6:30 p.m.

- **Upper Hominy**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:32 p.m.

Jerry Rice said that approval of these changes would result in a huge tax hike. He said that the Chiefs do a good job but the public he felt it was illegal to consider this many district changes at one time. He said that there were a lot of returned notices and too many unanswered questions and asked the Board not to make any decisions at this time.

The Chairman closed the hearing at 6:36 p.m.

- **West Buncombe**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:40 p.m.

Betty Jackson asked about the dissolution of fire districts and creation of new ones. She asked if there were properties that would be sold or would change hands, new equipment purchased or more employees needed.

The hearing was closed at 6:41 p.m.

Mr. Frue said that the plan to abolish the districts is based on the creation of the new districts. Nothing would change hands or level of service.

- **Woodfin**

Mr. Frue explained the details of this district as outlined in the attachments to the minutes of this meeting. The Chairman opened the hearing at 6:45 p.m. No comments were taken and the Chairman closed the hearing at 6:46 p.m.

- **Resolution Abolishing the North Central Fire Protection Service District**

Mr. Frue explained the details of this resolution as outlined in the attachments to the minutes of this meeting including additional language that he would add before their adoption. The Finance Director confirmed that there were no financial obligations outstanding in this district. The Chairman opened the hearing at 6:48 p.m. No comments were taken and the Chairman closed the hearing at 6:49 p.m.

- **Resolution Abolishing the North East Fire Protection Service District**

Mr. Frue explained the details of this resolution as outlined in the attachments to the minutes of this meeting asking to be allowed to add clarifying language to the resolution before its adoption on November 3. The Finance Director confirmed that there were no outstanding financial obligations in this district. The Chairman opened the hearing at 6:50 p.m. No comments were taken and the Chairman closed the hearing at 6:51 p.m.

- **Resolution Abolishing the North West Fire Protection Service District**

Mr. Frue explained the details of this resolution as outlined in the attachments to the minutes of this meeting asking to be allowed to add clarifying language to the resolution before its adoption on November 3. The Finance Direction confirmed that there were no outstanding financial obligations in this district. The Chairman opened the hearing at 6:52 p.m. No comments were taken and the Chairman closed the hearing at 6:53 p.m.

- **Resolution Abolishing the South Buncombe Fire Protection Service District**

Mr. Frue explained the details of this resolution as outlined in the attachments to the minutes of this meeting asking to be allowed to add clarifying language to the resolution before its adoption on November 3. The Finance Direction confirmed that there were no outstanding financial obligations in this district. The Chairman opened the hearing at 6:53 p.m. No comments were taken and the Chairman closed the hearing at 6:54 p.m.

- **Resolution Abolishing the Hominy Fire Protection Service District**

Mr. Frue explained the details of this resolution as outlined in the attachments to the minutes of this meeting asking to be allowed to add clarifying language to the resolution before its adoption on November 3. The Finance Direction confirmed that there were no outstanding financial obligations in this district. The Chairman opened the hearing at 6:55 p.m.

Jerry Rice requested that the Board have a public hearing in the Hominy Creek area. He said that this change should be considered in the district. The Chairman closed the hearing at 6:57 p.m.

## NEW BUSINESS

- **Resolution Establishing the Broad River Fire Protection & Ambulance & Rescue Service District**

Mr. Frue said that this district had a hearing years ago to form their district and did not require an additional public hearing to form this district. No comments were taken.

- **Resolution Establishing the East Buncombe Fire Protection & Ambulance & Rescue Service District**

Mr. Frue said that this district did not require a public hearing to form the district. No comments were taken.

- **Resolution Establishing the Enka Fire Protection & Ambulance & Rescue Service District**

Mr. Frue said that this district did not require a public hearing to form the district. Jerry Rice said he wanted a hearing in the Enka district about the establishment of this fire department. He felt it was all illegal. (*Commissioner Belcher thanked the department for the Pink Engine to raise breast cancer awareness*)

- **Resolution Establishing the Garren Creek Fire Protection & Ambulance & Rescue Service District**

Mr. Frue said that this district did not require a public hearing to form the district. No comments were taken.

- **Resolution Establishing the Asheville Suburban Fire Protection & Ambulance & Rescue Service District**

Mr. Frue said that this district serviced the Biltmore Estate. The current Asheville Suburban district did not require a public hearing to form the district. No comments were taken.

- **Resolution Establishing the Swannanoa Fire Protection & Ambulance & Recue Service District**

Mr. Frue said that this district did not require a public hearing to form the district. No comments were taken.

Vice Chair Belcher moved to consider these matters for vote at the next regular meeting of the Board on November 3. Commissioner DeBruhl seconded and the motion passed 7-0.

- **Resolution Authorizing Refund of Overpayment of Excise Tax**

Mr. Frue explained the legal requirements for a resolution by the Board and the requested refund for the overpayment of the excise tax. He recommended the approval of the resolution. Commissioner Newman moved to approve the resolution as presented. Commissioner Frost seconded and the motion passed 7-0.

## BOARD APPOINTMENTS

Commissioners Fryar, Jones, DeBruhl and Belcher voted to appointed Doug Montgomery to the **Board of Adjustment**. Chairman Gantt, Commissioners Newman and Frost voted to appoint Phil Gibson to the Board of Adjustment. **Doug Montgomery** was appointed.

Commissioner Frost moved to appoint **Amanda Sizemore** to the **Agriculture Advisory Board**. Commissioner Newman seconded and the motion passed 7-0.

## ANNOUNCEMENTS

The Chairman made the following announcements:

- *November 3 – 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 and the motion passed 7-0. The meeting was adjourned at 7:11 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS