

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

BE IT REMEMBERED: That the Board of Commissioners met in regular session on November 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, 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; 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

PUBLIC COMMENT

Vivian Fowler said she worked as part of the Aston Park Towers food pantry and thanked the Board for allowing the popup markets to supply food for people in need.

Jerry Rice wanted clarification on the tax rates for the fire departments. He wanted the Board to support funding for the veterans treatment court and fully support children of veterans. He wanted the Board to create a committee to find ways to utilize veterans with specialized training.

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 October 20, 2015 Regular Meeting**
- **Road Petition: Nolan Field Lane**
- **Release Report**
- **Budget Amendments: Fund 10 – Child Care Subsidy; Adult Day Care**
- **Grant Projects Ordinance**
- **ABTCC Capital Projects Ordinance**

GOOD NEWS/PROCLAMATIONS

- **Proclamation of Adoption Awareness Month**

Vice Chair Belcher said that he was happy to read the proclamation and to announce that he had a newly adopted grandchild. The proclamation passed 7-0.

- **Congratulations to Noah Sloan – Member of the All-American Marching Band**

The Chairman read the plaque and presented it to Noah Sloan, an AC Reynolds High School student who was named a trombone player with the the US Army All-American Marching Band. Noah thanked the Board for their acknowledgment of his opportunity.

- **Presentation of Excellence in Innovation Award**

David Nicholson, NCACC Western Outreach Representative, explained the Excellence in Innovation Award given across the state to programs that had innovative, measurable results and could be duplicated across the state. The County's Pop-Up Market program was chosen to receive the award.

Mandy Stone, Assistant County Manager/HHS Director, thanked the Board for allowing staff to be innovative and to build partnerships with the community. She introduced Rasheeda McDaniel, a Buncombe County Social Work Supervisor who spear-headed the program. Ms. McDaniel introduced the Community Service Navigators who worked within the community and with Manna Food Bank and community partners to meet the food and health needs with the

pop-up markets. She said that the program was reaching families with needed food and building relationships. Mr. Nicholson presented the plaque and Ashton Turnage from Local Government Federal Credit Union presented the check for \$1,000 to Ms. McDaniel.

PUBLIC HEARING

- **Approval of AVL Technology LLC Revenue Bonds**

Mike Frue, Senior Staff Attorney, explained the AVL Technology request to approve the tax exempt bonds as outlined in the documents attached. The Industrial Facilities and Pollution Control Financing Authority had approved the bonds.

Guy Clarici, Attorney for AVL Technologies, said that no county funds or tax payer funds would be used.

Brian Kurns, AVL Technologies, said that they had broken ground and were ready to expand stating that they would be bringing in other manufacturing companies into the space.

Jim Oliver, AVL Technologies CEO, said that the site should accommodate up to six companies. They hope to move by February.

The Chairman opened the public hearing at 4:58 p.m.

Jerry Rice wanted to know why there was a public hearing required with no financial obligation by the County.

The Chairman closed the hearing at 5:02 p.m.

Mr. Frue said that the statutes require that the hearing be held as part of the qualifying for the bonds.

Vice Chair Belcher said that he had toured the facility with teachers who took back the message that there were manufacturing jobs available for our high school students.

Vice Chair Belcher moved to approve the revenue bonds as requested. Commissioner Jones seconded and the motion passed 7-0.

- **Rezoning Request for PIN 9677.21-2223 – from RLD to NS**

Debbie Truempy, Zoning Administrator, explained the request for rezoning for property at the top of Mine Hole Gap on US 74 in the Fairview community. She said that the Planning Board and Planning Staff did not recommend the rezoning as it was not consistent with the land use plan and not in the public interest. *The Board of Commissioners previously denied this request in 2010 and 2013.*

Commissioner Fryar said he wanted the petitioner to be able to do something with the property.

The Chairman opened the public hearing at 5:15 p.m.

Jeremy Jones said he lived in the area and was opposed to the rezoning. He felt that rezoning would allow commercial uses to be slipped in and make the road more dangerous.

Jeannie Montecilli said that she got 55 online signatures opposed to the change. She felt the area was already dangerous and there was no need for commercial businesses in this area.

Frank Workman with Butler Mountain Estates said he represented 55 homeowners who were opposed to the rezoning. He said that it would be very dangerous to build a road into this property and that the property was visible from the parkway and it should be kept as is.

Heather Seratti a resident of the area said that development of the property would make travel too dangerous and would be out of character of the neighborhood.

Darren Stroupe was opposed to the rezoning feeling it would have a negative impact on the neighborhood.

Harold Grey who lives in Florida felt that people moving here would need more commercial strips to take care of their needs. He was in favor of the development.

Alan Helmick said he asked for the neighborhood service zoning because he felt that residential development would do more damage than commercial service.

Dale Dienik, a dentist from south Asheville wanted more commercial development in the Fairview area. He was in favor of the request.

Jenny Callaway, resident of Fairview, said she was opposed to any of the development on this property and the rezoning that was proposed.

Richard Sales, Chief of the Reynolds Fire Department, said that this section of 74 had 6 fatalities in the last 3 or 4 years and was a dangerous section of the road.

Jerry Rice questioned how many homes could be built under the current zoning versus the traffic that commercial would bring.

The Chairman closed the hearing at 5:38 p.m.

Commissioner Newman moved to find the rezoning request inconsistent with the Land Use Plan and no in the public interest. Commissioner Frost seconded.

Commissioner Belcher said that the property was extremely steep but felt it was consistent with the Land Use Plan and should be allowed.

Commissioner Fryar said it would also vote in favor of the rezoning because commercial would bring less traffic than residential development.

The motion finding the rezoning request inconsistent passed as follows:

AYES: Newman, Frost, Jones and Gantt

NOES: Belcher, DeBruhl, Fryar

Commissioner Newman moved to deny the rezoning as presented. Commissioner Jones seconded

The motion passed as follows:

AYES: Newman Frost Jones and Gantt

NOES: Belcher, DeBruhl Fryar

OLD BUSINESS

- **Resolution Abolishing the:**
 - **North Central Fire Protection Service District**
 - **North East Fire Protection Service District**
 - **North West Fire Protection Service District**
 - **South Buncombe Fire Protection Service District**
 - **Hominy Fire Protection Service District**

Mike Frue, Senior Staff Attorney reviewed the reasons for abolishing old and creating new fire districts as outlined in the resolutions attached to the minutes. Commissioner Newman thanked everyone for working to make this complicated work happen.

The Chairman said having reviewed the materials included in the October 20 agenda packet and having heard and considered the presentations and the comments at the public hearings held on that date, he moved to approve the resolutions abolishing the old service districts.

Commissioner Fryar seconded and the motion passed 7-0.

- **Resolution Establishing the following Fire Protection & Ambulance & Rescue Service Districts:**
 - **Asheville Special**
 - **Barnardsville**
 - **Fairview**
 - **French Broad**
 - **Jupiter**
 - **Leicester**
 - **North Buncombe**
 - **Reems Creek**
 - **Reynolds**
 - **Riceville**
 - **Skyland**
 - **Upper Hominy**
 - **West Buncombe**
 - **Woodfin**

The Chairman said having reviewed the materials included in the October 20 agenda packet and having heard and considered the presentations and the comments at the public hearings held on that date, he moved that these 14 new Fire Protection and Ambulance and Rescue Service Districts be created and established as set forth in the agenda.

Commissioner Frost seconded and the motion passed 7-0.

- **Resolutions Establishing:**
 - **Broad River Fire Protection & Ambulance & Rescue Service District**
 - **East Buncombe Fire Protection & Ambulance & Rescue Service District**
 - **Enka Fire Protection & Ambulance & Rescue Service District**
 - **Garren Creek Fire Protection & Ambulance & Rescue Service District**
 - **Asheville Suburban Fire Protection & Ambulance & Rescue Service District**
 - **Swannanoa Fire Protection & Ambulance & Rescue Service District**

Chairman Gantt said having reviewed the materials included in the October 20 agenda packet and having heard and considered the presentations made at that time, he would move that the emergency medical, rescue and/or ambulance services be extended into the 6 current Fire Protection Service Districts (Asheville Suburban, Broad River, East Buncombe, Enka, Garren Creek and Swannanoa) for the reasons set forth in the agenda.

Vice Chairman Belcher seconded and the motion passed 7-0.

NEW BUSINESS

Veterans Treatment Court Funding Request

Eric Howard, Veterans Treatment Court Coordinator, gave a presentation explaining that the treatment court staff had been federally trained and were eligible for grants. They planned to access the community resources and community volunteers. They had 4 clients expecting to increase to 7 by the end of December.

Todd Williams, District Attorney, said that this court was a resource and he is requesting \$10,000 to allow the court to do more for the clients. The capacity of the program would be 30 clients.

Commissioner Frost moved to approve the allocation request. Commissioner DeBruhl seconded and the motion passed 7-0. Commissioner Newman asked that, in the future, they go through the budget process with everyone else.

BOARD APPOINTMENTS

Commissioners Fryar, Jones and Newman nominated Craig Madison to serve on the Tourism Development Authority and Chairman Gantt, Vice Chair Belcher and Commissioners DeBruhl and Frost nominated and appointed **Gary Froeba** from the Omni Grove Park Inn to serve on the **Tourism Development Authority** filling the seat for hotels with more than 100 rooms.

Vice Chair Belcher moved to appoint **Sharon White** to the **Adult Care Home Community Advisory Committee**. 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*

Vice Chair Belcher moved to adjourn the meeting. Commissioner Fryar seconded and the motion passed 7-0. The meeting was adjourned at 6:38 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS