

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

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on December 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: 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**

Dee Dee Martin representing several neighborhood associations and the Friends of the East Asheville Library spoke regarding the condition of the branch library. The East Branch was built in 1965, located on Tunnel Road near the recreation center and fire department. She said that the City and County shared the building that was in need of repair and scheduled for renovation in 2019. They have the fourth busiest branch in the system that was half the size of the new libraries and at capacity with no indoor bathroom. She said that the East Asheville Friends love the library and are encouraging the City and County to work together for a new library and community space. She requested that the Board work with the City to determine the future of the space; commit to helping improve this location; and form a small task force to move the process forward. The community would meet again in the spring and they hoped to hear about the progress. Mitchell Cohen, a student, read his definition of the perfect library.

Kermit Tolley, owner of MEDIC, spoke regarding his ambulance franchise application that was submitted in March of 2015. He said that MEDIC continues to respond to ambulance needs as they have for 27 years and want to continue serving the county. He said their call volume was cut to only 600 calls per year and their business is almost closed. They have reapplied for the convalescent franchise with no response.

Glen Mulwood from Swannanoa spoke in favor of MEDIC asking that they be allowed to continue in business. He wanted the nearest ambulance to be the one to respond not the one from the district.

Connie Gibson, a paramedic working with MEDIC asked that their franchise application be approved as soon as possible.

Sharon Tolley, owner of MEDIC, spoke regarding the franchise and asked that they be allowed to continue their business in the county.

Lisa Baldwin wanted an investigation into a situation involving a foster child that wanted to go back to her family.

Barbara Sullivan also spoke about a foster child situation and the legal battle involved.

Jerry Rice asked the Board to support the efforts to improve the East Branch Library. He said that the Smoky Mountain Mental Health Center failed to deliver the proper services.

Martha Hendricks, former secretary to Martin Nesbitt, spoke in favor of a franchise for the MEDIC ambulance service.

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

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

- **Approval of the Minutes of the November 3, 2015 Regular Meeting**
- **Resolution Authorizing Execution of Deed Correcting Transfer Error**
- **Acceptance of Smoky Mountain Center Financial Report**
- **Grant Project Ordinance**
- **Approval of Purchase of Double Sided Digital Marquee Road Sign for Leicester Community Center**
- **Approval of Law Enforcement Jurisdictional Joint Agreement**

- **Resolution Granting Easement for Waterline for Asheville Middle School**
- **Resolution Authorizing Execution of Non-Warranty Deed**
- **Release Report**

## **GOOD NEWS/PROCLAMATIONS**

- **MAHEC/County Partnership**

Mandy Stone, Assistant County Manager/HHS Director, said that the County was always looking for smart partnerships and had begun one with MAHEC. Jan Sheppard, Health Division Director, said that the collaboration with MAHEC had been very successful in the areas of health education and prevention.

Frank Castleblanco with MAHEC and Melissa Baker, Deborah Calhoun and Terri March also with MAHEC were working on community health priorities including the shield of protection campaign; intimate partner screening pilot; adverse childhood experiences; healthy schools collaborative; and prevention supported by the healthy home program. Mr. Castleblanco said that the partnership between the County and MAHEC continued to be successful and would continue to be focused on how to keep people well and out of the health care system.

## **PUBLIC HEARING**

- **Amendments to the Zoning Map of Buncombe County to Adopt Zoning in the Unincorporated Areas Which are Currently Non Zoned**

Debbie Truempy, Zoning Administrator, said that these areas were not a part of the initially zoning ordinance and had been unzoned. With recent state regulation changes, these areas were able to be zoned and had been identified for the zoning recommended below:

- **Residential District R-3 & Steep Slope/High Elevation Overlay District**

Ms. Truempy described the properties included in the area proposed for R-3 with steep slope/high elevation overlay. This was consistent with the land use plan and in the public interest. The Planning Board found it was reasonable and recommended approval.

The Chairman opened the public hearing at 5:35 p.m.

Mike Parrish said he owned 30 properties in this area and wanted an R-1 designation for the properties to avoid mobile homes in the area.

Jim Bruckner also requested R-1 zoning instead of R-3 as recommended by the staff.

Brett Acker spoke on behalf of his homeowners association asking that the properties be zoned R-1 instead of R-3 proposed.

Mark Parsons also spoke in favor of the R-1 zoning instead of the R-3 proposed designation. He said that this would be detrimental to our property values.

Jonathan Gilbert spoke in favor of designating the property R-1 instead of the R-3. He was opposed to mobile homes in the area.

Jerry Rice wanted more public notification of the area zoning changes.

Diane Discus felt that the R-3 designation would work on the upper properties but would not be correct on the lower lots.

Rebecca Robertson said that they had fought being annexed into the city of Woodfin and that is why only portions of the properties are in the county only. She said that she wanted zoning for protection and wanted to be R-1.

The Chairman closed the hearing at 5:52 p.m.

Ms. Truempy said that R-3 was proposed for the larger area because of the large number of mobile homes inside that area now.

Commissioner Jones said that in this unzoned situation there would be a lot of non-conforming properties. The only penalty for non-confirming use is denial of being able to put a mobile home back within 6 months.

Ms. Truempy said that this could be considered treating these properties as spot zoning. The steep slope regulations are not in effect due to lack of zoning.

Ms. Truempy said that the residents can petition the Planning Board for a rezoning to R-1 and the Board could waive the fees for petitioning to rezone.

Commissioner DeBruhl moved to table the issue to January 5. Commissioner Fryar seconded the motion. The motion failed as follows:

AYES: Commissioners Fryar, DeBruhl and Vice Chair Belcher

NOES: Chairman Gantt, Commissioners Newman, Frost and Jones.

Commissioner Newman moved to support the zoning as recommended- R-3/Steep Slope, High Elevation Overlay Designation; waiving the costs to the property owners if they want to request a rezoning within one year.

Commissioner Frost seconded the motion and it passed as follows:

AYES: Commissioners Newman, Frost, Jones and Chairman Gantt

NOES: DeBruhl, Fryar, Jones

- **Single Family Residential District R-1 & Steep Slope/High Elevation Overlay**

Debbie Truempy explained the areas in question and the zoning designations that were found to be consistent with the land use plan and in the public interest.

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

Mike Parrish commented about the previous zoning consideration.

John Cort explained an inconsistency with the zoning designations in the area where he lives.

Diane Discus, Ron Nimkin and John Donohoe were in favor of the R-1 designation.

The Chairman closed the hearing at 6:43 p.m.

Commissioner Frost moved to approve the zoning request finding it consistent with the land use plan and in the public interest. Commissioner Newman seconded and the motion passed as follows:

AYES: Chairman Gantt, Commissioners Newman, Frost and Jones

NOES: Vice Chair Belcher, Commissioners Fryar and DeBruhl

- **Employment District EMP**

Debbie Truempy, Zoning Administrator, reviewed the zoning designation as recommended by the Planning Board and Planning staff. The zoning was found consistent with the Land Use Plan and in the public interest.

The Chairman opened the hearing at 6:47 p.m.

No comments were taken.

The Chairman closed the hearing at 6:48 p.m.

Commissioner Newman moved to approve the recommendation as presented finding it consistent with the Land Use Plan and in the public interest. Commissioner Frost seconded and the motion passed as follows:

AYES: Chairman Gantt, Commissioners Newman, Frost and Jones

NOES: Vice Chair Belcher, Commissioners Fryar and DeBruhl

## **NEW BUSINESS**

- **Election of Vice Chair**

Commissioner Jones nominated Commissioner Newman to serve as the Vice Chair. Commissioner Belcher nominated Commissioner Fryar to serve as Vice Chair.

Commissioner Newman was appointed as follows:

Chairman Gantt, Commissioners Newman, Jones and Frost for Commissioner Newman;

Commissioners Belcher, DeBruhl and Fryar for Commissioner Fryar

- **Resolution Declaring the County's Intent to Reimburse Itself for Capital Expenditures Incurred in Connection with Improvements to the Rhododendron Building on the Campus of Asheville-Buncombe Technical Community College from the Proceeds of Certain Tax-Exempt Obligation to be Executed and Delivered during 2016**

The County Manager explained the resolution that is a part of the internal revenue code requirement for this project. She said that construction costs have not been finalized on this construction.

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

- **Conservation Easement Request**

Debbie Truempy, Zoning Administrator, presented the Ridgeview Farms conservation/preservation request as outlined on the power point attached to the minutes. The farm had been in the same family for over 100 years and the Agriculture Advisory Board had asked for \$37,500 in transaction costs to preserve 115 acres in the Alexander area.

Commissioner DeBruhl asked if there were any funds set aside for this request and the County Manager said that this would have to come from the fund balance and would require a budget amendment. Commissioner DeBruhl said that she was opposed to spending the fund balance.

Commissioner Fryar asked that this be brought back as part of the budget cycle. The County Manager said that the savings from the conservation easements have been used up and no new money has been budgeted.

Vice Chair Newman supported the request stating that this was an example of an initiative that Buncombe did better than any other county in the state.

Commissioner Belcher felt funds should be budgeted before requests were made.

Commissioner Frost moved to approve the request of \$37,500 for transaction costs. Commissioner Jones seconded and the motion passed as follows:

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

NOES: Commissioners Fryar, DeBruhl and Belcher.

- **Resolution Supporting ConnectNC**

The County Manager explained that Asheville Buncombe Technical Community College President Dennis King had requested the Board endorse the bond for community colleges and support the resolution.

State Representative John Ager mentioned that this bond would include \$72 million for a new building at Western Carolina University and University of NC at Asheville as well as AB Tech.

Chairman Gantt moved to approve the resolution as presented. Commissioner Frost seconded and the motion passed as follows:

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

NOES: Commissioners Fryar, Belcher and DeBruhl

## **BOARD APPOINTMENTS**

Commissioner Frost moved to appoint **Taylor Foss** and **Susanne Deferie** to the **Economic Development Coalition** for their second term. The motion passed 7-0.

Commissioner Belcher moved to appoint **April Burgess-Johnson** and **Rachel Nygaard** to the **Homeless Initiative Advisory Committee**. The motion assed 7-0.

Commissioner Frost moved to appoint **Andrew Hoffman**, **Kendra Ferguson** and **Diane Price** to the **Audit Committee**. The motion passed 7-0.

Commissioner Frost moved to go into closed session per NCGS 143-318.11a(4) to discuss a possible economic development incentive. Vice Chair Newman seconded and the motion passed 7-0.

## **CLOSED SESSION**

Assistant County Manager Jon Creighton presented the possibility of an economic development incentive for a company bringing 500 jobs; paying \$45,000 average wage; and making a \$7.56 million investment. The Board gave consensus for staff to offer an incentive.

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

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- ***December 11 – Noon – Commissioners may attend the Community Service Foundation Meeting at 200 College Street in downtown Asheville***
- ***December 23, 24 & 25 -- County Offices will close for Christmas Holidays***
- ***January 5 -- 4:30 p.m. – The next regular meeting of the Board in Room 326 at 200 College Street in downtown Asheville***
- ***January 19 – 8:30 a.m. – Commissioners will hold planning retreat in the First Floor Conference room at 200 College Street in downtown Asheville***

Commissioner Belcher moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 7-0. The meeting was adjourned at 7:25 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS