

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JUNE 21, 2016 AT 4:30 A.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on June 7, 2016, in the Commission 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
Brownie Newman, Vice Chair
Joe Belcher, Commissioner
Ellen Frost, Commissioner
Mike Fryar, Commissioner
Holly Jones, Commissioner
Tim Moffitt, 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

PUBLIC COMMENT

Susan Mertz, Director of Evergreen Charter School, thanked the Board for considering an increase in the teacher supplement.

Mark DeVerges spoke in favor of the support of increased supplement for the teachers specifically for Evergreen School. He asked for at least 8.5 percent increase as requested by the school board.

Lori Filters, County school teacher and board member of Evergreen Charter School, urged the board to increase the supplement for teachers.

Jerri Cruz-Segarra from Arden asked the Board to help them get clean water. She said their well water had been found to be a problem and was being tested by Duke Energy for coal ash pollution. She wants the City and/or County to fund clean water to her neighbors and send the bill to Duke.

Don Yelton commented on the budget and increasing land values.

Paula Dena, County School teacher spoke in favor of the increased supplement for teachers and teacher assistants.

Andrew Farr, representing the local chapter of Disabled American Veterans, thanked the Board for supporting the veterans' treatment court.

Karen Wolfscontan commented on the national vote on the purchase of guns saying she was opposed to the gun range that was part of the agenda. She wanted the tax funds used for other governmental uses.

Dave Fulbright spoke on behalf of Mr. and Mrs. Rice who have a contaminated well as a result of the ash ponds left by Duke Energy. He asked that these residents receive assistance with their water use until something can be done. Mandy Stone, HHS Director/Assistant County Manager said that she would look into this matter and to see if the County could help.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

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

- **Approval of the Minutes of the June 7, 2016 Regular Meeting**
- **Final Budget Summary FY16**
- **Budget Amendment: Fund 10-Transfers; Fund 70 and 77**
- **Grant Projects Ordinance (FY16)**
- **School Capital Commission Fund Project Ordinance (FY16)**
- **Public School ADM Capital Projects Ordinance (FY16)**
- **PDF Woodfin Capital Projects Ordinance (FY16)**

- **Capital Projects Ordinance (FY16)**
- **Special Projects Capital Projects Ordinance (FY17)**
- **ABTCC Capital Projects Ordinance (FY17)**
- **Capital Projects Ordinance (FY17)**

PUBLIC HEARING

The County Manager explained the new state law that required the County to hold public hearings for funding involving any economic development impact. She said that prior to the adoption of NCGS 158-7.1 the Commissioners only held public hearings on economic development incentive funding but with the adoption of this statute the definition was expanded to include other funding requests

- **ASAP**

Molly Nicolie gave the mission of the ASAP saying that they requested \$30,000 to promote the brand and increase local demand for food.

Commissioner Moffitt asked if they did any fund raising for the project. Ms. Nicolie said that they did not fund raise for the organization. She said that building the local food economy was bringing in tourism funding but they had not approached the tourism development authority for funding.

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

Don Yelton said that sustainability is just that and this agency should get less funding every year so that they begin to sustain themselves.

Phil Gissippi spoke in support of local farmers and this funding.

The Chairman closed the hearing at 5:21 p.m.

Commissioner Newman moved to approve funding for ASAP in the amount of \$27,500.

Commissioner Frost seconded. Commissioner Jones spoke in favor of ASAP and moved to amend the resolution to add wording about their benefit to the community in addition to any economic development impact. The amendment was accepted and incorporated into the motion.

County Attorney Bob Deutsch said that these hearings were held based on the general assembly passing requirements and he felt they did not require the resolutions.

Following a motion made and withdrawn by Commissioner Frost to fund ASAP \$27,500, and a recommendation made by Commissioner Moffitt, the Board agreed to decide after each hearing whether they felt that each of the agencies met the definition of "economic development funding" based on NCGS 158-7.1. If they were, the resolution would be considered. If not, the agency would be considered as part of the budget later in the meeting.

Commissioner Jones found that the ASAP application did not meet the economic development definition and would be considered as part of the budget. Commissioner Moffitt seconded the motion and it passed 7-0.

- **Asheville Area Arts Council**

Stephanie Daughtery, Director of the Arts Council, requested continued funding of \$25,000 or \$30,000 to be used in grants for professionals.

The Chairman opened the public hearing at 5:49 p.m.

Ken Michalove spoke in favor of the Asheville Area Arts Council.

Phil Gisseppi spoke for the arts saying it was for the common good and should be cherished.

The Chairman closed the hearing at 5:51 p.m.

Commissioner Frost moved to find that this request did not fit the definition of economic development and would be considered as part of the budget. Commissioner Moffitt seconded and the motion passed 7-0.

- **Asheville Buncombe Sports Commission**

Carol Peterson and K. Ray Bailey shared facts about the history and success of the commission saying they were founding members. The economic impact was in the neighborhood of \$50 million and had successfully brought a variety of events to the area. They requested \$75,000.

The Chairman opened the public hearing at 5:56 p.m.

No comments were taken

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

Vice Chairman Newman moved that this did not fit the definition of economic development and should be considered as part of the budget. Commissioner Frost seconded the motion and it passed 7-0.

- **Asheville Art Museum**

Lynn Andrews, Chair of the Asheville Art Museum, asked for continued support in the amount of \$225,000. She outlined the work of the museum including work with County school students. Pam Myers said that their work meets the County's sustainability plan.

The Chairman opened the public hearing at 6:03 p.m.

Ken Michalove recommended denial of this request. He said that by 2018 taxpayers would have contributed \$9.5 million to the museum. He did not want the Commissioners to fund capital needs for this museum.

Freemont Brown said that he was disgusted that these businesses ask for money and are not required to sustain themselves like other businesses in the county.

The Chairman closed the hearing at 6:09 p.m.

Commissioner Frost found that this request did meet the definition of economic development as outlined in NCGS 158.7-1. Vice Chair Newman seconded the motion.

The motion passed 6-1 as follows:

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

NOES: Commissioner Fryar

Vice Chair Newman moved to fund \$225,000 to the Asheville Art Museum and suspend any guideline that would prevent this funding. Commissioner Frost seconded the motion.

The motion passed as follows:

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

NOES: Commissioners Belcher, Fryar and Moffitt

- **Asheville Downtown Association**

Megan Rogers, Executive Director of the Association, requested funding outlining how they support the community with the funding from the County.

The Chairman opened the public hearing at 6:19 p.m.

The Chairman closed the hearing at 6:20 p.m.

Commissioner Frost found that this agency did not fit the economic development definition. Commissioner Belcher seconded and the motion passed 7-0.

- **Economic Development Coalition (EDC)**

Ben Teague, Executive Director of the Economic Development Coalition, explained their role as the marketing arm of economic development in the community. He said that their funding works to attract companies to the area and to expand local companies.

The Chairman opened the public hearing at 6:24 p.m.

The Chairman closed the hearing at 6:25 p.m.

Commissioner Frost found that the EDC did fit the definition. Commissioner Moffitt seconded and the motion passed 7-0.

Commissioner Fryar moved to approve the requested \$300,000 in funding for the EDC. Commissioner Moffitt seconded and the motion passed 7-0.

- **Folk Heritage Committee**

Carol Peterson spoke about the mission of this committee and the work to support the heritage of the mountains through events like the shindig on the green which was celebrating its 50th anniversary this year.

The Chairman opened the hearing at 6:33 p.m.

The Chairman closed the hearing at 6:34 p.m.

Commissioner Frost found that this committee's request did not fit the definition of economic development. Commissioner Belcher seconded and the motion passed 7-0.

- **Just Economics**

Vicki Neese, Director of Just Economics, outlined their mission stating; however, that she felt that their work did not fit the definition of economic development.

The Chairman opened the public hearing open at 6:36 p.m.

Don Yelton reminded the Board that the more money the Commissioners give away the more taxes go up. This is another project that should support itself. He was opposed to more hotels and increased traffic.

The Chairman closed the hearing at 6:40 p.m.

Commissioner Belcher found that this agency did not fit the economic development definition. Commissioner Moffitt seconded and the motion passed 7-0.

- **Pack Place Cultural Partnership**

John Ellis and Pam Myers asked for continued funding of operational costs for the building. They said that a large private source investment will be made over the next five years.

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

Ken Michalove spoke against this funding asking how the County and City would hold these organizations accountable for what they were promising. They were housed in a city building and he questioned why the County would pay for operation of the building. He urged the County to find out what is spent for the management of the building.

The Chairman closed the hearing at 6:46 p.m.

Commissioner Belcher found that this agency did not fit the definition. Commissioner Fryar seconded and the motion and it passed as follows:

AYES; Chairman Gantt; Commissioners Belcher, Frost Fryar, Jones and Moffitt

NOES: Vice Chair Newman.

- **The Support Center**

Shannon Oxendine gave a summary of what the center does with their funding and their work to create economic opportunities for all people.

The Chairman opened the hearing at 6:50 p.m.

The Chairman closed the hearing at 6:51 p.m.

Commissioner Fryar found that this agency did not fit the definition of economic development. Commissioner Newman seconded and the motion passed 7-0.

- **WNC Communities**

Linda Lamp, Executive Director of WNC Communities, gave an overview of their programs that help rural communities and agricultural groups.

The Chairman opened the hearing at 6:55 p.m.

The Chairman closed the hearing at 6:56 p.m.

Commissioner Frost found that this agency did not fit the definition. Commissioner Moffitt seconded and the motion assed 7-0.

- **YMI Cultural Center**

Stephanie Swepson-Twitty, Director of the YMI, gave a brief history of the Center and their work in the community.

The Chairman moved to open the hearing at 6:58 p.m.

The Chairman closed the hearing at 6:59 p.m.

Vice Chair Newman found that this agency did not fit the definition of economic development. Commissioner Frost seconded and the motion passed 7-0.

- **AMOS**

Anna Priest, Executive Director of the Asheville Museum of Science, talked about the investment that the County had made into the demolition and construction of the building and their service to students.

The Chairman opened the hearing at 7 p.m.

Mark Knowlin spoke in favor of the museum.

The Chairman closed the hearing at 7:04 p.m.

Commissioner Fryar found that this did not meet the definition of economic development. Vice Chair Newman seconded and the motion passed 7-0.

NEW BUSINESS

Commissioner Frost moved to hear the topic of Building Resilient Community before the other items on the agenda. Commissioner Belcher seconded and the motion passed 7-0.

- **Building a Resilient Community Through Equitable Opportunity, People and Place**

Lisa Eby, Health and Human Services, gave a power point that is attached to the minutes of the meeting. She introduced Dwayne Barton, Duwana Little and Devonda Harper who spoke about the work that they were doing in the community. These individuals had applied and received grant funding from Health and Human Services. Sara Coffee with All Souls Counseling and Tracy Washington talked about projects to improve economic mobility in the community.

Dwight Mullen said he was working with students to study the history of black Asheville. He said that they were not finding racial equity but rather income and education disparity. He suggested that administrators be held accountable for the disparity.

Commissioner Frost wanted to work to change the disparity as described by Professor Mullen in the same way and with the same effort given to the way the County addressed the domestic violence problem.

- **Resolution Naming a Conference Room in the Family Justice Center as the “Dr. Don C. Locke Multidisciplinary Conference Room”**

Commissioner Jones said that Dr. Don Locke, who recently passed away after a brief illness, had the ability to touch the community in powerful ways. He was the Chair of the Health and Human Services Board and she said that the County would be naming one of the rooms in the Family Justice Center facility in his honor. She read the resolution and moved for its approval. Commissioner Fryar seconded and the motion passed 7-0.

- **Resolution Supporting Transfer of Funds from Asheville Art Museum to Build an Outdoor Firing Range in Partnership with the NC Wildlife Resources Commission**

Commissioner Fryar read the resolution and moved for its approval asking to find an area in the County for the project with funding up to \$500,000. Commissioner Moffitt seconded the motion.

Commissioner Frost said that there were four gun ranges in the County and the County had already tried to find a place for an outdoor range.

Commissioner Fryar said that this range would be for the public and the County would run the range.

The Chairman allowed public comment on this topic.

A citizen said that there was no place in Asheville with 100 yards for rifles. He felt a range like this would help with proficiency and he suggested the Board approve the request and perhaps use land they already owned.

Susan Dupree was opposed to any shooting range. She felt that a private organization should open a range if needed and the County should stay out of the business. She felt that money should be moved to assist the African American community instead of a gun range.

Commissioner Belcher said that this could meet a safety need for hunters in the County and would alleviate some concern about neighbors shooting guns.

The Planning Director said that staff had looked at 8 different locations around the County and drew up plans but none worked out. He said that a location on the old landfill had people from over a mile away opposed and that the County did not have any property that was appropriate for this type range.

Commissioner Jones apologized to members of the public who had been negatively impacted due to the timing of this topic.

The motion failed as follows:

AYES: Commissioners Fryar, Belcher and Moffitt

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

- **Adoption of FY2017 County Budget**

The County Manager gave a brief overview of the budget as presented for adoption. She listed the county schools requests including the teachers supplement.

Commissioner Moffitt said that he introduced Senate Bill 888 during his time in the NC House and it was just passed by the current members saving the County's fund balance \$5,000,000. He moved to adopt the budget with the following changes: to reduce the tax rate to 59.4; give County schools \$1.6 million to fund the Enka Intermediate and Nesbitt STEM Schools; to fund \$500,000 for non-certified school employee raises, asking that the County schools use their fund balance to fund the remaining request. He asked that the County take the Asheville City Schools portion out of County fund balance. He accepted staff recommendation on the outstanding community development funding requests that had previously been found not to be economic development issues. Commissioner Fryar seconded the motion.

The motion failed as follows:

AYES: Commissioners Belcher, Fryar and Moffitt

NOES: Chairman Gantt, Vice Chair Newman; Commissioners Jones and Frost

Vice Chair Newman moved to adopt the budget as submitted with additional support for teachers by funding \$1.65 million for the supplement this year and next year; support all of the community development organizations at the funding level as recommended by staff; fund \$75,000 to Asheville Museum of Science; fund \$500,000 for non-certified teacher supplement for city/county schools; to increase funding for Greenways by \$100,000 and include in the capital plan 2021 \$1 million be invested in the 1-26 infrastructure multi-model project to preserve connectivity above and beyond the basic design; funding for the opening of the Enka Intermediate and Nesbitt STEM School as well. Commissioner Frost seconded the motion. *Based on this motion, the Manager asked that she be allowed to use up to \$75,000 from the fund balance if necessary.*

The motion passed as follows:

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

NOES: Commissioners Fryar, Belcher and Moffitt

BOARD APPOINTMENTS

Commissioner Jones moved to reappoint **Bryan Dover, Peter Cook, Dusty Rhodes, Rick Elingburg** and appoint **Sarah Dunn** to the **Mountain Area Workforce Development Board**. The motion passed 7-0.

After a poll of the Board, **Commissioner Frost** was chosen to serve on the **Health and Human Services Board**.

Vice Chair Newman moved to appoint **Commissioner Moffitt** to serve on the **Land of Sky Regional Council**. The motion passed 7-0.

The Chairman made the following announcements:

- **August 2** - Commissioners' Regular Meeting beginning at 4:30 p.m. in Room 326 at 200 College Street in Asheville.

The Chairman adjourned the meeting at 9:40 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS