

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 2, 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 joined the meeting in progress.
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

Jerry Rice commented on the increasing amount of the County's budget and the Commissioners' failure to pass any reduction in the tax rate. He said that salaries for the Sheriff's employees should be higher salaries.

Stephanie Sizemore from Fairview asked the Commissioners to help her get approval for a mixed beverage license in her community. *The County Manager was instructed to work with her.*

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Commissioner Frost moved to approve the consent agenda as presented. Commissioner Moffitt seconded the motion and it passed 6-0.

- **Approval of the Minutes of the June 21, 2016 Regular Meeting**
- **Resolutions Authorizing Assignment of Bid**
- **Resolution Donating Three Surplus EF Johnson VP900 Radios/Chargers Mics to NC Arboretum Campus Police**
- **Resolution Declaring Various Motor Vehicles Surplus Property and Donating the Vehicles to Madison County**
- **Resolution Approving Utility Easement to the City of Asheville**
- **Acceptance of Settlement Report; Insolvency Report and Order to Collect from the County Tax Administrator**
- **Budget Amendments:**
 - **Fund 10 – Detention Center Intercom System (287,500)**
 - **Fund 10 – Education Adjustment for State Increases**
 - **Fund 70 – BCAT Forfeitures (\$33,490)**
 - **Fund 77 – BCAT Forfeitures (\$83,973)**
 - **Fund 71 – Sheriff Forfeitures (\$13,318)**
 - **Fund 78 – Sheriff Forfeitures (\$113,195)**
- **Special Projects Ordinance**
- **Grant Projects Ordinance**
- **Public School ADM Capital Project Ordinance**
- **School Capital Commission Fund Project Ordinance**
- **Capital Projects Ordinance**
- **Resolution Accepting the Drinking Water State Revolving Fund Loan**
- **Resolution Awarding Service Fire Arms for Retired Deputies (Santi and Baldwin)**
- **Resolution Requesting the NCDOT abandon a Portion of SR 1124**
- **Road Petition: Bee Tree Way; Nectar Way; Golden Harvest Trail and Oteora Oaks Drive**

GOOD NEWS/PROCLAMATIONS

- **Hominy Valley Under 6 All Stars**

Commissioner Belcher thanked the players and their parents for coming and presented the players and their coaches with certificates to the under 6 all-stars. The players and coaches were: Ary Hearn, Reigan Fisher, Kiffen Byers, Mya Twitty, Avery Gibson, Vera Desio, Halley Fish, Alex Franklin, Daniel Byers, Adam Hamler, Amanda Frisby, Emma Godfry, Morgan Frady, Addie Franklin, Kerrigan Phillips.

- **Congratulations to Enka Sugar Jets, State Softball Champions**

Commissioner Moffitt presented certificates the players and their coaches of the Enka Sugar Jets Softball Team: Brittany Fletcher, Riley Roberts, Mariah Foxworth, Courtney Pearson, Kloyee Anderson, Shruti Patel, Whitney Fletcher, Hannah McElreath, Danielle Harris, Claire Crout, Sidney Frady, Holly Rogers, Payton Trantham, Addison Harris, Taylor Duncan, Mya Smith, Cienna Rector, Kelsey Shuler, Melvin Rubio; Ryan Wright; Jennifer Kruk; Phillip Bohanon; Ashley McCurry; Lindsay Lyon; for their second state championship.

- **Proclamations of Appreciation to Buncombe County Sheriff's Department**

Vice Chair Newman read the proclamation and presented it to the Sheriff, thanking them for their sacrifice. The Chairman thanked Commissioner Belcher for bringing the proclamation as an agenda item. The Sheriff thanked the Board for the recognition and support.

PUBLIC HEARING

- **Rezoning Request – Hintz/Bowman R-3-CS**
 - **More Information**
 - **Planning Board Resolution**
 - **Staff Analysis**

Debbie Truempy, Zoning Administrator, said the rezoning request involved vacant properties that were to be used for a pottery business and a landscaping business. The Planning Board and Planning Staff recommend approval of the rezoning from R-3 to Commercial Service finding it consistent with the land use plan and in the public interest.

The Chairman opened the public hearing at 5:02 p.m.

Ed Doughty from Clark's Chapel Road said that he was not notified of the hearings and spoke in opposition to the zoning change. He felt that this area was heavily residential and not a good location for commercial service. The potential heavy equipment storage planned for the site would be bad and he asked that it be denied

Chris Holcombe from Clarks Chapel Road and a native of the area spoke against the rezoning. He felt it was too residential for a change to commercial service and wanted more separation between these two districts. He said that rezoning would create the largest commercial service areas in the County

Peggy Neilson from Clarks Chapel Road said that it would not be in the best interest of the residents to change the zoning to commercial service. She asked that the Board deny this request for this community.

Tim Holcombe from Clarks Chapel Road spoke against the rezoning of the property in fear for the future with this rezoned to commercial service.

John Yerko said he lived close to the property and was a member of the Board of Adjustment during the consideration of the concrete plant. He said that the proximity to the school should discourage this zoning change.

Randy Hintz, petitioner, said that the retail space they proposed for the pottery business would be small. The property he felt was a transitional area between residential and commercial. There could be 50 or more residential units as it is currently zoned.

Julian Bowman, petitioner, said that his grading company had only a few pieces of equipment that would be stored on site. He said that the closest house would not be visually impacted by these businesses.

Jerry Rice questioned the location and capacity of MSD lines in this area in planning for commercial use. The Chairman closed the hearing at 5:22 p.m.

Commissioner Moffitt questioned the access to and ownership of the property requesting rezoning. He asked about the capacity of the septic system on the property. The zoning administrator said that there was limited sewer access to this property which could limit development.

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

AYES: Vice Chairman Newman, Commissioners Belcher, Frost, Fryar, Moffitt

NOES: Chairman Gantt

NEW BUSINESS

- **Mountain Housing Request to Change Rental Mix**

Commissioner Jones joined the meeting by phone.

Wyatt Stevens, attorney representing Mountain Housing and Eagle Market Street Redevelopment, the two nonprofit partners working on the Eagle Market Street project, gave the Commissioners some history of the mixed use project that included 62 apartments, 6,000 square feet of community space and 7,000 square feet of office space. He said that the project hinged on the approval by the Commissioners of a restructuring of the rental fee agreement that would allow up to 30 of the 62 rental units to be workforce housing instead of affordable housing. He explained the problems with the structural design that stopped the project and the work done and price paid to get back on track

Scott Dedman with Mountain Housing Opportunities, said the total cost to build the residential part of the project would be about \$12.3 million or about \$200,000 per unit.

Mr. Stevens said that the rent on the workforce housing would be \$1,100 and \$1,400 a month. He said that the discussion of this project did not include the promise of workforce housing. If some of the 30 units could be converted back to affordable from workforce it would be done. This project could be completed by December of 2017.

Commissioner Frost thanked Mountain Housing for their work saying that she would prefer to see all units affordable; she said she would support the conversion if going forward, Jon Creighton and Greg Isreal from County staff could supervise or oversee the project. Commissioner Fryar agreed that this would make it more workable.

The Chairman allowed public comment on this item.

Bill Oglesby, former County Commissioner, spoke as a North Carolina Housing Finance representative in favor of the project and listing the loans and tax credits that the project had received that would be lost if the project failed.

Terry Bellamy, former Mayor of Asheville, thanked the Board for the investment in the project and asked the Board to approve the rental mix change and let the project move forward. She said that she stands with Mountain Housing believing that the project could succeed.

Jerry Rice asked why this was not caught earlier and would it be fair to background check everyone. He wanted to know about the future liability.

Commissioner Frost moved to approve the restructuring as presented contingent on having Jon Creighton and Greg Isreal oversee the project from this point forward. Commissioner Fryar seconded the motion.

The motion passed 7-0.

BOARD APPOINTMENTS

Commissioner Frost moved to appoint **Alan Lang** to the **Agriculture Advisory Board**. The motion passed 7-0.

Vice Chair Newman moved to appoint **Jim Pitts** to the **Health and Human Services Board**. The motion passed 7-0.

Commissioner Frost moved to appoint **Chairman Gantt** to the **Great Asheville Regional Airport Authority/Asheville Regional Airport authority**. The motion passed 7-0.

Commissioner Belcher moved to reappoint **Leah Ashburn** to the **Tourism Development Authority**. The motion passed 7-0.

Commissioners Frost and Newman were appointed to serve on the **School Capital Fund Commission**.

ANNOUNCEMENTS

The Chairman made the following announcements:

- **August 16 -3 p.m.** *There will be a ribbon cutting on the Family Justice Center at 35 Woodfin Street.*
- **August 16 – 4:30 p.m.** *Commissioners' Regular Meeting beginning at 4:30 p.m. in Room 326 at 200 College Street in Asheville.*

Commissioner Belcher moved to adjourn the meeting. Commissioner Moffitt seconded and the motion passed 7-0.

The meeting was adjourned at 6:20 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS