

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 18, 2017 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 18, 2017, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

The Chairman called the meeting to order with the following members present:

Brownie Newman, Chairman
Ellen Frost, Vice Chair
Joe Belcher, Commissioner
Mike Fryar, Commissioner
Jasmine Beach-Ferrara, Commissioner
Robert Pressley, Commissioner
Al Whitesides, Commissioner

Staff present: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager; HHS Director; Jon Creighton; Assistant County Manager/Planning Director; Tim Flora, Finance Director; Robert Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

PUBLIC COMMENT

Jerry Rice asked about the benefits and losses for Lee Walker Heights redevelopment. He did not want the County to become a loan company and felt this was not a taxpayer project. He asked what the City of Asheville was contributing toward the project. He said that there were serious problems at Asheville Buncombe Technical Community College and he was concerned about staff and management of the college.

CONSENT AGENDA

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

- **Approval of the Minutes of the April 4, 2017 Meeting**
- **Budget Amendment: Fund 10** (*Tim Flora, Finance Director, explained the Fund 10 excise tax budget amendment which would keep the County in compliance with state requirements.*)
- **Special Projects Ordinance**
- **Resolution Approving Assignment of Bid**
- **Resolution Authorizing Lease of Allied Health Building and Premises to the Trustees of Asheville Buncombe Technical Community College** (*Mike Frue, Senior Staff Attorney, said that the County approved this lease as part of the construction agreements; however, the lease had been lost and this was a replacement copy.*)

GOOD NEWS

- **Proclamation of the Week of the Young Child**

Commissioner Beach-Ferrara read the proclamation and presented it to Terry Bellamy and Jenny Eblen who were part of the Asheville Buncombe Preschool Planning Collaborative. Ms. Bellamy thanked the Board for being champions for education.

- **Discussion of Woodfin Greenway Request**

Jason Young, Woodfin Town Manager, reviewed the potential greenway through Woodfin and along the river. Mark Hunt gave a power point presentation that outlined the financial breakdown and fund raising efforts for the project which totaled \$13.9 million. Federal grant funding will require a \$1 million matching fund and they are requesting those funds come from the County. The project must be fully funded to move forward.

Vice Chair Frost asked about funding for greenways for other areas of the County, specifically Black Mountain.

PUBLIC HEARING

- **Economic Development Incentive for Avadim**

Jon Creighton, County Planning Director/Assistant County Manager, presented the incentive request for Avadim, a local company producing a product to fight infections. They had 56 employees in their company in Biltmore and will

build a \$20 million plant off Blue Ridge Road near Black Mountain. They plan to have it open by December 2021 and the specific details of the jobs and investments are included in the incentive agreement attached to the minutes of this meeting.

The County has secured several grants over \$1 million to provide water and sewer to the site. Mr. Creighton recommended approval of an incentive in the amount of \$881,960 paid over a period of 5 years as they create 551 jobs.

Steve Woody, CEO of Avadim, native of Buncombe County, said that it was exciting to create jobs in his hometown and he was thankful for the community that had helped to make it possible.

Vice Chair Frost asked if they knew ways to create affordable housing on that side of the County. Mr. Woody said that he was hoping to be able to bring back more companies and create more jobs in the area.

Mr. Woody said that the product that they produce helps advance wound healing and optimizes immune health by reducing infection rates. They sell to acute care hospitals, online and will be in pharmacies by October. The jobs they are creating include research and development and quality assurance. He said that they have considered locating child care near the new facility.

The Chairman opened the public hearing at 5:52 p.m.

Jerry Rice wanted the company to be required to detail employee benefits. He criticized the lower salaries that will be paid to some of the employees.

Dee Styles asked how much water this company would use and how that would affect the supply coming from North Fork. She wanted to make sure that this was considered in the planning.

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

A representative of Avadim said that the water capacity to the plant had been increased 5 times greater than needed and would make water available to the surrounding neighbors.

Vice Chair Frost said that she was supportive of some of the jobs but was not as happy with the lower paying jobs.

Commissioner Belcher moved to approve the incentive agreement as presented. Commissioner Whitesides seconded the motion.

The motion passed 7-0.

- **Hill Zoning Request (RLD to R-1)**

Debbie Truempy, Zoning Administrator, said that this request was to rezone a parcel from Residential Low Density to R-1 on a currently vacant property. The County Planning Staff recommended approval of the rezoning finding it consistent with the Comprehensive Land Use Plan. The Planning Board found that the rezoning was not consistent with the Comprehensive Land Use Plan and recommended denial of the request.

The Chairman opened the public hearing at 6:07 p.m.

Jesse Gardner, representing the applicant, presented a map of the area showing potential home sites. He said that as currently zoned, only 6 lots could be built on this property.

Carrie Driskill who lived near the property to be rezoned, said that construction on the property could cause run off that would flood her property. She understood the need for housing but asked the Board to please consider the neighborhood and water runoff before allowing additional construction on the property. She asked that they not approve this rezoning.

Michael Hayes, developer of the property, said that they would handle any storm water problems and would improve any current flooding issues.

Jeff Dandridge from Park Ridge Avenue said that this was another questionable location for slope development. He discussed soil types and that changing the zoning that would allow more development would cause a runoff problem.

Michael Holster from Pine Hill Drive asked what recourse they would have if construction caused run off on their property. He said that Pine Hill Drive was not wide enough for additional traffic.

The Chairman closed the hearing at 6:22 p.m.

Ms. Truempy said that the County had a Storm Water Manager that handled requirements for post and pre-development water management plans. Ms. Truempy said that storm water plans must be submitted and could improve the storm water problem on this site.

Michael Hayes said that they would install two entries to the development--from Pine Ridge and Park Ridge allowing two entrances that would improve access for emergency vehicles and traffic. They were not planning to expand to maximum density and estimated \$225,000 for an average price homes.

Commissioner Belcher moved to find the requested rezoning from RLD to R-1 consistent with the Land Use Plan and in the public interest. Commissioner Pressley seconded and the motion passed 6-1 with Vice Chair Frost voting No.

Commissioner Whitesides moved to approve the rezoning as requested. Commissioner Fryar seconded and the motion passed 6-1 with Vice Chair Frost voting no.

- **Hall Zoning Request (R-1 to R-3)**

Debbie Truempy, Zoning Administrator, outlined the rezoning request from R-1 to R-3 saying that the petitioners planned to add an additional mobile home to their property. The Planning staff and Planning Board voted to deny this request finding that it was not consistent with the Land Use Plan, not in the public interest and would represent a spot zoning.

The Chairman opened the public hearing at 6:41 p.m.

James Hall, petitioner, read a statement that is included as part of the minutes of this meeting.

Cassandra Styles live near the property in question. She said that the change in not in keeping with the character of the neighborhood. They are in the process of converting a mobile home park they own to single family homes and don't want the zoning change and was too permanent of a change for just one family

Dee Styles said that this was not the first time someone had wanted to place a trailer on a property and was not allowed. She said that the Planning Board was frustrated that there was no option to allow a mother in law trailer. She asked for some change in the ordinance.

Walter Dunn asked that the petitioners be allowed to have a trailer for a certain amount of time.

Dolly Forge spoke against having this rezoned. She agreed with the decision of the Planning Board and suggested that they make an addition to their house.

Mike Ross spoke against having the rezoning in view of the future use of the property.

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

Commissioner Belcher said that this is a mixed use community and the rezoning would not change the character of the community. He wanted to approve the request as presented but felt there should be another option other than R-3.

Commissioner Pressley said he was from the neighborhood and had received 26 calls asking that this not happen; however, when residents realized the reason for the rezoning they understood but feel the change would open up the possibility of too many other mobile homes.

Commissioner Whitesides said that if he lived in the neighborhood he would not want rezoning of that property.

Commissioner Fryar asked if the zoning could ever be changed back from R-3 to R-1. Ms. Truempy said that a request would have to go back through the process.

Ms. Truempy said that they could have 4 units per acres if the property is rezoned to R-3.

Vice Chair Frost moved to find the request to rezone not consistent with the Comprehensive Land Use Plan or in the public interest. Commissioner Whitesides seconded the motion.

The motion passed as follows:

AYES: Chairman Newman; Vice Chair Frost; Commissioners Beach-Ferrara; Whitesides and Pressley

NOES: Commissioner Belcher and Fryar

Commissioner Whitesides moved to deny the request to rezone the property. Vice Chair Frost seconded the motion and it passed as follows:

AYES: Chairman Newman; Vice Chair Frost; Commissioners Beach-Ferrara; Whitesides and Pressley

NOES: Commissioners Belcher and Fryar.

NEW BUSINESS

- **Pre-K – Asheville Buncombe Planning Collaborative**

Jennie Eblen with the Asheville Buncombe Pre-K Planning Collaborative, and the Partnership for Children gave a power point that is attached to the minutes of this meeting. They had been working to increase access to affordable, high quality preschool for 3 and 4 year olds. She reviewed the 35 different partners involved in the collaborative including their funding sources. The Chairman encouraged them to investigate the state funding subsidy formula and let the Commissioners know if they can help work on an alternative to that problem.

- **Asheville Regional Airport Report**

Lew Bleiweis, Airport Director, gave the annual report that is attached to the minutes of this meeting. He said that stage three of the airport redevelopment program was under way including a five story, 1,300 space parking garage.

- **Discussion of Lee Walker Heights Redevelopment**

David Nash, Asheville Housing Authority Chief Operations Officer, gave a presentation of the redevelopment project that is attached to the minutes of this meeting. He gave some of the history of the property that was built in 1951. The Housing Authority and Mountain Housing worked with residents to help design a potential future

development. They had developed a vision for community connectivity with mixed income affordability for current residents.

A resident of Lee Walker Heights said that she was excited to live so close to downtown and she hoped that this neighborhood could be redeveloped. She thanked Mountain Housing and the Asheville Housing Authority for allowing residents to be part of the process.

Commissioner Belcher asked for a simple rendering of the site so he could understand what they had in mind.

- **Budget Amendment: Fund 20 – Occupancy Tax Revenues/Distribution (\$6,600,000)**

Tim Flora, Finance Director, explained the occupancy tax revenues and distribution amendment stating that it was a pass through revenue handled to prevent a non-compliance.

Commissioner Fryar moved to approve the budget amendment as presented. Vice Chair Frost seconded and the motion passed 7-0.

BOARD APPOINTMENTS

- **Asheville Buncombe Technical Community College Board of Trustees (1 vacancy)**

Chairman Newman, Vice Chair Frost and Commissioners Beach-Ferrara and Whitesides voted to appoint **Matt Kern** to the **Asheville Buncombe Technical Community College Board of Trustees**. Commissioners Fryar, Pressley and Becher voted to appoint Jerry Green to the Asheville Buncombe Technical Community College Board of Trustees. Matt Kern was appointed.

ANNOUNCEMENTS

The Chairman made the following announcement and adjourned the meeting:

- *May 2 -- 5 p.m. Regular Meeting Board of Commissioners in Room 326 @ 200 College Street in downtown Asheville*

Vice Chair Frost moved to adjourn the meeting. Commissioner Whitesides seconded and the motion passed 7-0. The meeting was adjourned at 8:06 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS