

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF NOVEMBER 21, 2006 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on November 21, 2006, in the Commission Chambers, Room 204 of the County Courthouse in 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:

Nathan Ramsey, Chairman  
Bill Stanley, Vice Chairman  
David Gantt, Commissioner  
Carol Peterson, Commissioner  
David Young, Commissioner

Staff present were: Wanda Greene, County Manager; Jon Creighton, Assistant County Manager/ Planning Director; Kathy Hughes, Clerk to the Board; Donna Clark, Finance Director; Mike Frue, Assistant County Attorney; Joe Connolly, County Attorney. Media present were: Cecil Bothwell, Mountain Express.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

- Father Gary Coffee, Grace Episcopal Church gave the invocation.

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

Commissioner Stanley moved to approve the consent agenda as presented:

- **Approval of Minutes of November 7, 2006 Regular Meeting**
- **Resolution Amending Inter-local Agreement for Regional Air Quality Program—Clean Air Trust**
- **Resolution Authorizing the Execution of Contracts and Related Documents for the Renovation and Construction of the Emergency Medical Services Building**
- **Resolution Awarding Contract to Service One for Four County Facility Roofing Projects**
- **Budget Amendments: General Fund: Adult Day Care Rates increased allocation; Grant funds for Health Services (\$80,274)**
- **Grant Projects Ordinance**

Commissioner Peterson seconded and the motion passed 5-0.

**GOOD NEWS**

- **Take the Holiday Challenge**

Cathy Howenstein with Cooperation Extension and Terri March from the Buncombe County Health Center, both part of Healthy Buncombe, a coalition working toward healthy eating and physical activity, talked about the Eat Smart/Move More Campaign and how they have been working to get the County's citizens to focus on health. The current campaign will run through the Holidays and is called the Holiday Challenge to maintain healthy habits through the holidays. They urged everyone to sign up at [www.eatsmartmovemore.org](http://www.eatsmartmovemore.org).

**PROCLAMATIONS**

- **Presentation of Appreciation to Roger Aiken and Jim Edmonds**

The Board presented gifts of appreciation to Roger Aiken and Jim Edmonds for their service on the County Board of Education. Mr. Edmonds and Mr. Aiken thanked the Board for the recognition and acknowledged their families that were present.

- **Presentation of Appreciation to Bobby Medford**

Mr. Medford was unable to attend the meeting. His gift of appreciation for his service of 12 years as Sheriff of Buncombe County will be forwarded to him.

## **PUBLIC HEARING**

- **Woodfin Redevelopment Financing**

The Chairman opened the public hearing at 4:54 p.m. Donna Clark, Finance Director, said that the hearing was to receive public comment on the redevelopment district and the financing plan that was presented to the Board on November 7. She read the following statement into the minutes "The size of the Woodfin district has been reduced from the Development Financing Plan as originally stated to conform to the authorizing statute. The reduction is minimal in nature and should not materially affect the development of any planned public improvement projects."

Karen Cragolin said that this is a wonderful area and she is in favor of the new plan. She would like see the Wilma Dykeman Riverway plan expanded through this area.

Jerry Rice said that there is a landfill site on this property and another landfill near the river. He questioned what would be done with the old landfill and would it affect borrowing money on this property.

Jason Young, Town Administrator for Woodfin, said that the landfill property is the reason that this redevelopment is needed.

The hearing was closed at 5 p.m.

Commissioner Young moved to approve the filing of an application with the Local Government Commission to issue \$25 million of debt for the public portion of the Woodfin Redevelopment Project and to employ bond council of Parker Poe. Vice Chairman Stanley seconded and the motion passed 5-0.

## **NEW BUSINESS**

- **Conservation Easements/Greenways**

Wanda Greene, County Manager, introduced Albert Sneed, Chairman of the Land Conservation Advisory Board who outlined a plan to partner with the community and other groups to protect mountain vistas. He defined a conservation easement stating that it binds the property and gives away the development rights. He said that by signing a conservation easement, the owner's net worth drops; there are tax benefits but nothing equal to the reduction of worth. A conservation easement is a gift to the community. In 1998 the Land Use Planning Commission recommended, as a part of the Land Use Plan, that money be set aside to support land conservation easements. The Land Conservation Advisory Board was formed and have found many conservation possibilities including the ones recommended for purchase. He recommended that the County approve the recommendation of the Land Conservation Advisory Board and have the legal staff review each easement and include the County in the easement as a backup enforcer.

Carl Silverstein, Carolina Mountain Conservancy and Land Conservation Advisory Board member, gave a power point on the five conservation easements:

- Five projects would cost between \$8-12 million to purchase; their easements are worth \$5.6 million and the request is for \$1.9 million to purchase all five easements
  - *William Duckett Property in Sandy Mush is worth \$875,000; they will sell for \$731,000. The County will pay \$350,000 (balance paid by anonymous donor).*
  - *Jayne Family in Sandy Mush 392 acres worth \$2.4 million to purchase; easement is worth \$1.7 million; they will for \$850,000. County will pay \$425,000; (balance paid by anonymous donor)*
  - *Hearne Family in Sandy Mush with 500 acres worth \$3.1 million to purchase; conservation easement worth \$1,085,000. The County will pay \$500,000 (balance paid by anonymous donor)*
  - *Ray Hearne in Sandy Mush with 62 acres worth \$400,000 to purchase; easement worth \$240,000 and will sell for \$120,000. County will pay \$120,000.*
  - *Leslee Thornton on Bearallow Mountain 88 acres worth \$1,200,000 to purchase; easement worth \$720,000 and will sell for \$360,000. County will pay \$360,000.*
  - *Totaling 1,200 acres.*

The Chairman thanked each land owner and the members of the committee that had worked so hard on this transaction. Commissioner Gantt thanked the owners for their contribution and partnership with the County to conserve this for everyone.

Commissioner Gantt moved to accept the recommendation of the Land Conservation Advisory Board as outlined above including the review of each easement by the County Attorney to include the County as the final enforcement authority in each easement (to approve any necessary budget amendments). Commissioner Young seconded the motion and said that this is great gift to our future generations. The motion passed 5-0.

Members of the families making the conservation easements thanked the Board for the opportunity to conserve their property and keep it beautiful for the future.

Jerry Rice said this is a great thing to do to preserve the land. He recommended that the Board look to the legislature for tax breaks for smaller portions of land that could preserve the views.

Commissioner Gantt asked that the Land Conservation Board put together recommendations to the General Assembly for more help in making these type things happen.

Heather Rayburn expressed her appreciation to the Board for the conservation easements stating that she felt it was a really great move for everyone in the County.

Commissioners Peterson and Stanley thanked everyone involved in making this happen. Stating that the County has never spent money more wisely.

Karen Cragolin with Riverlink asked the Board to support the purchase of a building along the river known as the Blue Building--property between 12 Bones and Smith Bridge.

Mike King, small business owner leasing space on the property requested for purchase, asked that the businesses using the building be remembered and taken care of when the purchase is done. Commissioner Young moved to negotiate the purchase of this property and work with existing businesses to assist them with their relocation. Commissioner Gantt seconded and the motion passed 5-0.

- **Ordinance Amending Chapter 30, Article III "Fire Prevention" of the County Code**

Mike Frue, Assistant County Attorney, said that in working on the Subdivision Ordinance amendments, he found several fire and safety issues that needed to be addressed.

Mack Salley, Fire Marshall, said that due to increased development in the higher elevations of the County, the fire departments are having trouble accessing homes that are on steep grades with narrow roads. He said that the County should adopt additional provisions of the state fire code to improve safety and access to these locations.

Vice Chairman Stanley moved to approve the amendment to Chapter 30, Article III of the County Code as presented. Commissioner Peterson seconded and the motion passed 5-0.

- **Ordinance Amending Chapter 46 Article III “Manufactured Home Parks” of the County Code**

Mr. Frue stated that this proposed amendment to Chapter 46, Article III would make a minor change to the section on Manufactured Home Parks regarding fire prevention.

Commissioner Young moved to approve this ordinance as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Resolution Authorizing Execution Of Non Warranty Deed For Pin 9649.19-50-0341**

Mike Frue, Assistant County Attorney, said that this property is known as the old jail tract, a small building on City/County plaza. This resolution would authorize the conveyance of this property for \$322,000 to Black Dog Realty LLC with a Non Warranty Deed. Commissioner Young moved to approve this resolution as presented. Commissioner Gantt seconded and the motion passed 5-0.

## BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **Harold Holcombe** and **Gregory Hutchins** to the **Land Conservation Advisory Board** for a three year term. The motion passed 5-0.

Commissioner Young moved to appoint **Keith Shipley** to the **Adult Care Home Community Advisory Committee** for a one year term. The motion passed 5-0.

Vice Chairman Stanley moved to appoint **Beth Burdick** and **Jane Gregory** to the **Women’s Commission** for a three year term. The motion passed 5-0.

## ANNOUNCEMENTS

The Chairman announced:

- *The next regular meeting of the Board will be December 5, 2006 at 4:30 p.m.*
- *The Board will interview applicants for a vacant position on the Metropolitan Sewerage District Board on December 5 at 3:15 p.m. in Room 206 of the Courthouse*

## PUBLIC COMMENT

Jerry Rice thanked the Board for asking that the Land Conservation Board consider having the legislators look at tax breaks for land owners.

Elaine Lite thanked the Board for the 1,200 acres put into conservation. She said that the Planning Board meeting on November 20 was discouraging. She said that she was not satisfied that the Cliffs at High Carolina had a vested right and that they did not have to comply with the ordinances passed since June 30. She felt that the system is flawed and citizens had very little input into the process. She said that a member of her group taped the Planning Board meeting if any of the Commissioners would like to see it. Commissioner Gantt asked for a copy of the tape of this meeting

Dan Muse said the Planning Board meeting was a disgusting meeting. Someone needs to make them be more responsible. *Chairman Ramsey made a recommendation that public comment be allowed if a majority of the Planning Board members were in favor. The Board agreed that this would be implemented at the next Planning Board meeting.*

The County Attorney said that the Board needed to go into closed session per GS 143.318-11(a) for attorney client matters.

Commissioner Young moved to go into closed session pursuant to the reasons cited by the County Attorney. Commissioner Peterson seconded and the motion passed 5-0.

**CLOSED SESSION**

Discussion was held regarding the mediation of the Asheville Tourists lease. The Board agreed by consensus to have the County Attorney continue with the mediation and try and settle the issue.

Discussion was held regarding Fantasy World and their lack of a permit to operate inside the City. The Board gave consensus for the County Manager to meet with the City Manager and try and work out the issue.

The Finance Director gave a report on the work of the internal auditor to inventory the Sheriff's office. The Board gave consensus to have the internal auditor follow the plan for transfer of authority on December 4.

*Chairman Ramsey excused himself during the discussion of vested right (possible conflict of interest).*

The Board discussed the issue of vested rights regarding a development that filed a plan for development just prior to June 30 and the implementation of the steep slope ordinance. No action was taken.

*The Chairman returned to the meeting.*

The Board discussed the request of The Next Generation to be funded due to miscommunication over a loan of HOME funds. The County Attorney was instructed to meet with a representative of the Next Generation to work out this issue.

Commissioner Young moved to return to open session. Commissioner Peterson seconded and the motion passed 5-0.

Commissioner Young adjourn the meeting. Vice Chairman Stanley seconded and the motion passed 5-0.

**ADJOURNMENT**

The meeting was adjourned at 6:40 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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NATHAN RAMSEY, CHAIRMAN  
BOARD OF COMMISSIONERS