

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF APRIL 6, 2010 AT 4:30 P.M.**

---

**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on April 6, 2010, in the Commissioner Chambers, 30 Valley Street 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  
Bill Stanley, Vice Chairman  
Carol Peterson, Commissioner  
K. Ray Bailey, Commissioner,

Holly Jones, Commissioner was absent from the meeting.

Staff present were: Wanda Greene, County Manager; Jon Creighton, Assistant County Manager Planning Director; Mandy Stone, Assistant County Manager/ DSS Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, County Attorney.

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

Commissioner Peterson gave the invocation.

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

*The Chairman reminded the Board that in accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. He asked if any Board member had any known conflict of interest or appearance of conflict with respect to any matter coming before the Board. None were stated.*

Commissioner Peterson moved to approve the consent agenda as presented.

- **Approval of Minutes of March 16, 2009 Regular Meeting**
- **Resolution Authorizing the Chairman to Execute an Agreement with Progress Energy**
- **Resolution Approving Donation of Surplus Library Furniture to Madison County Library**
- **Ordinance Amending Animal Control Ordinance (Second Reading)**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**
- **Resolution Amending Resolution 09-11-06 Appointing Replacement Review Officers to Review Plats on Behalf of Buncombe County**
- **Budget Amendments:**
  - **Fund 10—Parks, Greenways & Recreation (\$24,100); Sales Tax Revenues (\$43,942); EMS (\$760,000); Interfund Transfer**
  - **Fund 69 – Inmate Commissary (\$99,677)**
  - **Fund 80 – OPED Revenues (\$1,271,632)**

Vice Chairman Stanley seconded and the motion passed 4-0.

## **PUBLIC HEARING**

*(This item of business was considered out of order.)*

- **Resolution Approving the Issuance by Buncombe County Industrial Facilities and Pollution Control Financing Authority of \$4,910,000 Aggregate Principal Amount of its Variable Rate Recovery Zone Facility Bonds (Altamont Investments LLC Project) Series 2010 for the Purpose of Paying for Certain Facilities in Buncombe County**

Mike Frue, County Attorney, reported that this hearing was for anyone who wished to be heard on the proposed issuance by the Buncombe County Industrial Facilities and Pollution Control Financing Authority of not exceeding \$4,910,000 aggregate principal amount of its Variable Rate Recovery Zone Facility Bonds (Altamont Investments, LLC Project), Series 2010 the proceeds of which will be loaned to Altamont Investments, LLC, a North Carolina limited liability company, for the purpose of financing or refinancing all or a portion of the costs of the acquisition, construction and equipping of facilities for the manufacture, design, development, and production of mobile satellite antenna/positioner systems located in Buncombe County, to be owned by the Altamont Investments and leased to AVL Technology, Inc., located at 55 Weaverville Road in Woodfin,.

Guy Clarici, attorney for AVL Technologies, Inc., said that the bonds are tax exempt under the recovery zone facilities bonds in the American Recovery and Reinvestment Act allowing bonds for developing businesses. The County has no liability or funding required as a result of this financing.

Commissioner Bailey said that Jim Oliver brought an idea to AB Tech looking for expertise and formed this company into AVL Technologies now employing 150 people. This financing will allow him to add more employees and expand the company.

The Chairman opened the public hearing at 4:41 p.m.

No comments were taken and the hearing was closed at 4:42 p.m.

Commissioner Bailey moved to approve the resolution as presented. Commissioner Peterson seconded and the motion passed 4-0.

## **PROCLAMATIONS**

### ▪ **Child Abuse Prevention Month (April)**

Commissioner Bailey read the proclamation and moved for its approval. Commissioner Stanley seconded the motion and it passed 4-0. Commissioner Bailey presented the proclamation to Angie Pittman with the Department of Social Services and Bill McGuire with Child Abuse Prevention Services who announced the special events to be held this month.

### ▪ **Volunteer Appreciation Week (April 18-24)**

Commissioner Bailey moved to approve this proclamation that will be presented at a later date. Vice Chairman Stanley seconded and the motion passed 4-0.

### ▪ **Special Olympics Day (April 22)**

Vice Chairman Stanley read the proclamation and moved for its adoption. Commissioner Peterson seconded the motion and it passed 4-0. Vice Chairman Stanley presented the proclamation to Grace Young with Parks, Greenways and Recreation and Megan Adams a Special Olympics silver medalist.

## **GOOD NEWS**

- **Small Farms Program (Melinda Roberts, Cooperative Extension Agent)**

Melinda Roberts, Cooperative Extension Agent with the Small Farms Program, gave the power point presentation attached to the minutes reviewing the work she has done and plans to do in the coming year. She thanked the Board for funding the small farms program that has helped to kept County farms viable, working farms. Commissioner Peterson praised the work of Ms. Roberts for her work this year.

## **PUBLIC HEARING**

- **Rezoning Requests**

- **WNC Mountain Land Corporation (Charlotte Hwy – R-LD to NS)**

The Chairman announced that this rezoning request would be continued to April 20 but comments would be taken at this meeting. Jim Coman, Zoning Administrator said that this request was approved by the Planning Board; however, the County Planning staff recommend that this not be approved due to the size of the tract and the fact that this change is not consistent with the land use plan and surrounding area. They felt it would have an adverse affect on surrounding land owners.

The Chairman opened the pubic hearing at 5:16 p.m.

Jeremy Jones from Cedar Mtn. Road spoke in opposition to the zoning change because he lives near this property and development of it commercially would adversely affect surrounding property owners.

Margo Flood from Cedar Mtn Road also spoke in opposition to the change asking that it be left residential for safety and environmental reasons and for the character of the neighborhood. The hearing was continued to April 20.

- **Billy Graham Evangelistic Association (Porter Cove & Saunooke Rd –R-LD to PS)**

Jim Coman, Zoning Administrator, said this rezoning was recommended for approval by the Planning Staff and Planning Board.

The Chairman opened the public hearing at 5:21 p.m.

No comments were taken. The hearing was closed at 5:22 p.m.

Vice Chairman Stanley moved to approve this as requested and recommended.

Commissioner Bailey seconded the motion and it passed 4-0.

- **Branch Banking & Trust (Teems Lane – R-2 to R-3)**

Mr. Coman said that this rezoning was not approved by the Planning Board and not recommended for approval by the Planning staff. The property is owned by the Bank and the requested rezoning would not be consistent with the land use plan and would have a negative impact on the community.

The Chairman opened the hearing at 5:24 p.m.

No comment were taken and the haring was closed at 5:25 p.m.

Commissioner Peterson move to deny the request. Vice Chairman Stanley seconded the motion and it passed 4-0.

- **Don Hunley (Warren Wilson Road – R-2 to PS)**

Mr. Coman said that this rezoning request was not recommended for approval by the Planning staff and was not approved by the Planning Board. The property is in a completely residential area and would have a negative effect on the community.

The Chairman opened the hearing at 5:25 p.m.

Susan Kask, co-owner of the property requested for rezoning, gave the Board information

and said that she was not in favor of the rezoning. Her ex-husband had requested the rezoning without her knowledge.

Harvey Davis from 30 Rainbow Ridge spoke against the rezoning.

Margo Flood speaking for the President and other officials from Warren Wilson College, presented a handout that is attached to the minutes and said that the College is very concerned for their students and are opposed to a rezoning of this property for safety reasons.

Wendy Oxinthahl spoke in opposition to the rezoning.

The Chairman closed the public hearing at 5:34 p.m.

Vice Chairman Stanley moved to deny the request for rezoning. Commissioner Bailey second and the motion passed 4-0.

- **Presbyterian Home for Children (Lake Eden Rd – R-2 to PS)**

Mr. Coman said that this request was recommended for approval by the Planning staff and was approved by the Planning Board. This rezoning is in keeping with adjacent properties and is consistent with the land use plan

The Chairman opened the hearing at 5:36 p.m.

Chris Day with Civil Design Concepts spoke in favor of the rezoning on behalf of the petitioner Presbyterian Home for Children. He gave an overview of their future plans.

The Chairman closed the hearing at 5:38 p.m.

Vice Chairman Stanley moved to approve the rezoning as requested. Commissioner Bailey seconded and the motion passed 4-0.

- **Stan Robinson (Views at Walnut Cove – R-2 to R-3)**

Mr. Coman said that this request was not recommended for approval by the staff and the Planning Board did not approve the rezoning based on the location and the fact it would not be consistent with the land use plan.

The Chairman opened the hearing at 5:40 p.m.

No comments were taken and the hearing was closed at 5:41 p.m.

Commissioner Peterson moved not to approve this request. Commissioners Bailey seconded and the motion passed 4-0.

- **Danielle DeMarino (Holly Street – R-1 to PS)**

Mr. Coman said that the Planning staff did not recommend this rezoning and the Planning Board did not approve the request based on the fact that the property rezoning would not be consistent with the land use plan and would have negative effect on surrounding property.

The Chairman opened the hearing at 5:42 p.m.

No comments were taken and the hearing was closed at 5:42 p.m.

Vice Chairman Stanley moved not to approve this request. Commissioner Peterson seconded and the motion passed 4-0.

- **Frank Rosa (Brevard Road – NS to CS)**

Mr. Coman said that this request was recommended for approval by Planning staff and was approved for rezoning by the Planning Board. This rezoning would be consistent with the land use plan and is consistent with surrounding commercially zoned property and would not be detrimental to the community.

The Chairman opened the public hearing at 5:43 p.m.

No comments were taken.

The Chairman closed the hearing at 5:44 p.m.

Commissioner Bailey moved to approve the rezoning as requested. Vice Chairman Stanley seconded and the motion passed 4-0.

## **NEW BUSINESS**

- **Resolution Authorizing the Agreement to Purchase 12 CNG (Compressed Natural Gas) alternative Fuel Vehicles for Mountain Mobility, Using ARRA Funds on a Purchase Agreement from the H-GAC (Houston-Galveston Area Council)**

Jon Creighton, Assistant County Manager/Planning Director, said that Mountain Mobility had applied for stimulus money for 10 CNG alternative fuel vehicles. The County received the grant of \$1.2 million. The County will be purchasing these vehicles through state contract which will save enough money to allow them to get two additional vehicles. No county matching funds are required.

Commissioner Peterson moved to approve the resolution as presented. Vice Chairman Stanley seconded the motion passed 4-0.

## **BOARD APPOINTMENTS**

Commissioner Bailey moved to appoint **Ricky Silver** to the **Riverfront Redevelopment Commission**; Chairman Gantt moved to appoint **Gail McCarthy**. Commissioners Bailey, Peterson and Stanley voted for Mr. Silver who was appointed.

Commissioner Peterson moved to appoint **Bart Austin** and **Jon Creighton** to the **French Broad Water Resources Study Committee**. The motion passed 4-0.

Commissioner Stanley moved to appoint **Ellen Frost, Gary Stamey and David Waldrep** to the **Animal Control Board**. The motion passed 4-0.

Commissioner Bailey moved to appoint **John Bernhardt** to the **Adult Care Home Community Advisory Committee**. The motion passed 4-0.

## **ANNOUNCEMENTS**

The Chairman announced that the next regular meeting of the Board would be April 20 2010 at 4:30 p.m.

## **PUBLIC COMMENT**

Don Yelton complimented the farmland presentation and challenged the board to promote smaller farms with the help of reducing taxes on land in a natural state of vegetation. He promoted river basin based planning. He asked about the status of the CTS site and asked for something to be done. He asked for a review of the minutes for the number of times CTS has been mentioned.

Commissioner Bailey moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 4-0. The meeting was adjourned at 5:54 p.m.

---

KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

---

DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS