

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JANUARY 4, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on January 4, 2011, 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 Vice Chairman called the meeting to order with the following members present:

David Gantt, Chairman
Bill Stanley, Vice Chairman
Holly Jones, Commissioner
Carol Peterson, Commissioner
K. Ray Bailey, Commissioner

Staff present were: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/DSS Director; Jon Creighton, Assistant County Manager/Planning 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 Code of Ethics as adopted by this Board, 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.

Vice Chairman Stanley moved to approve the consent agenda as presented.

- **Approval of Minutes of December 7, 2010 Regular Meeting**
- **Resolution Authorizing the Chairman to Execute a Deed to Mountain Housing Opportunities for Affordable Housing Property (40 Moody Road)**
- **Resolution Amending the Board and Commission Policies**
- **Resolution Granting Easement to Carolina Power & Light d/b/a Progress Energy Carolinas, Inc.**
- **Capital Projects Ordinance**
- **School Capital Commission Fund Project Ordinance**
- **Budget Amendment:**
 - **Fund 71 – Sheriff Forfeiture (\$44,967)**
 - **Fund 30 – Transportation Grant Award (\$26,965)**
 - **Fund 10 – Parks, Greenways and Recreation Fundraising Event (\$3,114)**

Commissioner Peterson seconded and the motion passed 5-0.

PUBLIC HEARING

- **Rezoning Request : Ricky Briggs for Patricia Davis -- R-1 to R-3**

Debbie Truempy, County Planner, said that this was an unimproved property located in the Riceville area. She said that the zoning request was consistent with the land use plan and not detrimental to the surrounding area. Planning staff recommended approval of the request and the Planning Board held a public hearing with no opposition and voted unanimously to approve the

application.

The Chairman opened the public hearing at 4:36 p.m. No comments were taken and the hearing was closed at 4:36 p.m.

Commissioner Peterson moved to adopt the statement of consistency. Vice Chairman Stanley seconded the motion and it passed 5-0.

Commissioner Peterson moved to adopt the ordinance amending the zoning ordinance as requested. Commissioner Jones seconded the motion and it passed 5-0.

COUNTY MANAGER'S REPORT

Matt Stone, Permits and Inspections Director, updated the Commissioners on the status of the inspection done on the retaining wall off Highway 74. He said that inspectors had concerns about the cracks in the walls and had contacted the design engineer and asked an independent engineer to make an inspection. As a result, Mr. Stone said that he had issued a stop work order on the project. The developer will have up to 5 days to make an appeal with the NC Department of Insurance.

The County Attorney said that a stop work order had been mailed today and the Board would discuss the details in closed session.

The Chairman said that this is the highest retaining wall in North Carolina at 88 feet. The engineers have proposed options for fixing and stabilizing the wall. The County Attorney clarified that the County wanted to make sure that this wall was a safe structure.

NEW BUSINESS

- **Land Acquisition of Collier Property**

Fran Thigpen, Parks, Greenways and Recreation Director, said that Mr. and Mrs. Collier had approached the County about the conservation of their property as a park. The County Parks Department was asking for support for a PARTF application that would provide grant funds allowing conservation of this property as a park.

Lucy Crowne, County Greenways Planner, said the 30 acre property was 8 miles from I-26 on Sweeten Creek Road. It had 2.5 miles of trails and would be conserved as green space. She said that the PARTF is a matching grant and the land value can be used as part of the match. She asked for approval of the application for the PARTF grant and approval to place the land on the Parks capital improvement plan.

Commissioner Peterson said that citizens in that area are interested in participating in acquiring and supporting this project.

Commissioner Jones moved to approve the grant application and the inclusion of this project in the Parks capital plan. Commissioner Peterson seconded the motion and it passed 5-0.

- **Approval of Policies and Procedures for Naming County Owned Properties and Buildings**

Wanda Greene, County Manager, said that the original policy was adopted in 1990 and this amendment would allow a building to be named for someone still living and would allow individual rooms to be named for outstanding citizens.

Commissioner Peterson moved to approve the policy as amended. Commissioner Bailey seconded the motion and it passed 5-0.

- **Naming Request from Pack Library**

Patsy Keever, Chair of the Library Board of Trustees, said that she was honored to be a part of recognizing two very worthy citizens who had been instrumental in the growth of the library system-- Mary Parker and John Bridges. The Library Board voted to name the Library Bookstore the Mary Parker Room at Pack Memorial Library. Ms. Parker had a distinguished career serving on the Library Board of Trustees and had been instrumental in the success of the bookstore.

Ed Sheary, Library Director, said that the Library Board recommended naming the children's activity room the John Bridges Activity Room. Mr. Bridges made the library a central part of the downtown and for many years was the face of the children's program. After his retirement, he had continued to serve as a Library Board member and president.

Commissioner Bailey moved to approve these two naming requests. Commissioner Peterson seconded the motion passed 5-0.

Library Board Chair Keever reminded everyone of the rededication of the library on January 18 at 2 p.m.

- **Resolution Authorizing the Adoption of the Workforce Rental Housing Incentive Policy**

Cynthia Barklow, County Planner, reviewed the changes to the draft policy that was previously presented at the Commissioners' retreat. She said that buildings with 50 units new or refurbished are eligible under this policy.

Commissioner Peterson moved to approve the policy. Commissioner Stanley seconded and the motion passed 5-0.

Commissioner Jones questioned how this would impact the Montford Commons project. Ms. Barklow said that the application had been developed and the process was in place to accept applications for review.

Commissioner Peterson said that this was a proper process to develop a policy and have it ready for anyone who wanted to attempt an incentive.

- **Approval to Close Register of Deeds Office on February 7 & 8 for Move to 35 Woodfin Street**

The Chairman said that there was a request to close the Register of Deeds' office on February 7 and 8 for the move to 35 Woodfin Street. The Register of Deeds is the last office to move out of the courthouse. Mr. Creighton said that this space move will allow the Clerk of Court to expand that operation on the main floor and move the offices on upper floors to the first floor enabling construction on the life safety tower to continue.

Otto DeBruhl, Register of Deeds, predicted a smooth transition and thanked everyone for allowing them to move into new offices.

Vice Chairman Stanley moved to approve the Register of Deeds' request to close his office on February 7 and 8. Commissioner Peterson seconded the motion and it passed 5-0.

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **Courtney Mumm** to the **Historic Resources Commission** to fill the unexpired term of Alice Coppedge. The motion passed 5-0.

Commissioner Peterson moved to appoint **Dr. Richard Oliver** to an additional term in the **Board of Health**. The motion passed 5-0.

Vice Chairman Stanley and Commissioners Peterson, Bailey and Jones nominated Ken O'Connor to serve on the Asheville Transit Commission. Chairman Gantt nominated Jonathan

Gach. **Ken O'Connor** was appointed to serve a three year term on the **Asheville Transit Commission**.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next meeting of the Board will be January 18, 2011.*
- *County offices will be closed on January 17 in observance of the Martin Luther King Jr. Holiday*
- *The Board will attend the ribbon cutting at the newly remodeled Pack Library on January 18 at 2 p.m. in downtown Asheville*

PUBLIC COMMENT

Jerry Rice was concerned about the Collier property. He asked if the water on this property was contaminated due to its location near the old CTS plant on Mills Gap Road. He thought taking this property out of tax value was a bad idea. He requested that public comment be taken on issues like this in the future. *Mr. Collier said that the property was located about one half mile from the old CTS plant and due to that location, the EPA had sampled all the wells in the area. They have a well that had been monitored for two years and found no contamination at all. They have been drinking the water for 40 years with no noticeable effect.*

Vice Chairman Stanley moved to go into closed session pursuant to GS: 143-218.11a3 for an attorney/client matters. Commissioner Peterson seconded the motion and it passed 5-0.

CLOSED SESSION

Mike Frue, County Attorney updated the Board on the stop work order that had been issued on the project containing a huge block wall on property along US 74. No action was taken.

Commissioner Bailey moved to return to open session. Commissioner Jones seconded and the motion passed 5-0.

Commissioner Bailey moved to adjourn the meeting. Vice Chairman Stanley seconded and the motion passed 5-0. The meeting was adjourned at 5:55 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS