

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF DECEMBER 6, 2011 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on December 6, 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:

Chairman Gantt 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.*

Commissioner Peterson moved to approve the consent agenda as presented:

- **Approval of Minutes of November 15, 2011 Meeting**
  
- **Resolution Adopting a Policy for Mutual Assistance for Law Enforcement Agencies**
  
- **Resolution Authorizing the Sale by Progress Energy of a Portion of the Lake Julian Recreation Area**
  
- **Budget Amendment: Fund 10—Detention Center Revenue (\$91,000)**
  
- **Grant Projects Ordinance**
  
- **Solid Waste Capital Projects Ordinance**
  
- **Capital Projects Ordinance**
  
- **Special Projects Capital Projects Ordinance**

Vice Chairman Stanley seconded the motion and it passed 5-0.

**Resolution in Support of the Federal House Resolution 1351 to Retain Mail Services within Buncombe County and WNC**

Vice Chairman Stanley read from the resolution regarding the preservation of mail services facility in the County and moved for its approval. Commissioner Jones seconded the motion and it passed 5-0.

## **Resolution Levying a Local Sales and Use Tax at a Rate of One-Quarter Percent (25%) in Addition to All Other State and Local Sales and Use Taxes**

Dr. Hank Dunn, President of Asheville Buncombe Technical Community College, thanked the Board for allowing the sales tax referendum. He said that the vote was very close but successful because citizens knew the tax would be a benefit to the County. The tax will allow construction of two new buildings in the next 8 to 10 months. He asked the Board to approve the resolution.

Mike Frue, County Attorney, said that as a result of the referendum, the resolution for the Board's approval would enact a ¼ cent tax making sales tax in Buncombe 7 percent effective April 1 of 2012.

Vice Chairman Stanley moved to approve the resolution after highlighting the portion of the resolution that would sunset the tax in 2029 and dedicated the tax be used only for AB Tech until that time.

Commissioner Bailey seconded the motion.

Mr. Frue said that the college can proceed with a RFQ and approval from the state board of community colleges in January.

The motion passed 5-0.

### **PUBLIC HEARING**

- **Rezoning Request – Danielle Robinson from R01 to R-3**

Debbie Truempy, County Planner, said that Danielle Robinson had requested a rezoning from R-1 to R-3 on 8.5 acres as outlined in the documents attached to the minutes. She said that the surrounding area is R-1 and requested zoning would not be consistent with the County's land use plan. Proposed zoning would be detrimental to the surrounding districts and the Planning Department recommended denial of the request. The Planning Board heard the request and voted against approval. Ms. Truempy submitted for the record a letter from Spiro Alfieri to the Planning Department in opposition to the rezoning.

The Chairman opened the public hearing at 4:55 p.m.

David Plemmons, grandfather of the petitioner, referenced a petition (attached to the minutes of this meeting) in support of the rezoning. He noted that the people signing live in that area and the people on the petition in opposition were not from that area. He said that he had 6 children and 4 had left the area because of the economy. He asked that this rezoning be approved.

Carol Rice, resident of Goldview Road, said he had 20 acres and was strictly opposed to the rezoning from R1 to R3 because it would be detrimental to the area. He said it was the responsibility of the Commissioners to up hold the law and keep the zoning that was approved and felt that this would be spot zoning if the request were approved.

Lisa Landis said this should be approved to let these people help their children.

Jim Hurst owns property adjacent to the requested rezoning. He was sympathetic to the needs of the petitioners for housing but was opposed to the rezoning because it would allow incompatible land uses and would equal spot zoning. He offered his help in finding alternatives for the new family.

Brenda Rose who owns property that joins the property in question was opposed to the rezoning because it goes against the purpose of zoning.

Blaine Plemmons lives on the property and was in favor of the rezoning.

Don Yelton said that the county zoning plan penalizes mobile homes. He was opposed to zoning. He offered his services to the couple after the meeting.

Linda Wright lives on Goldview Road and was opposed to the zoning that would allow mobile homes.

Ronald Plemmons lives on Goldview Road and wanted to give his daughter a chance to put a trailer on his property.

J. R. Plemmons had lived on Goldview Road since 1940, been married for 65 years, was a barber and a preacher. He said that he wanted these people to be able to have a place to live on this property and was opposed to zoning.

Casey Robinson said he wanted to put a trailer on the property which was the only opportunity he and his wife have to have a home.

Roxie Plemmons requested approval so her daughter could put a trailer on the property and have a house one day.

Ursula Plemmons moved into the area in 1963 in an old farmhouse that they remodeled and still live in. She said that the property was on a private road and the rezoning would not impact traffic.

Jerry Rice commented on why he is against zoning and why it should be repealed.

Eric Gaddy owns a mobile home park and requested some type of change made in the zoning to provide a place for families so they can put a mobile home on their property for their children. He said that this one will not be visible from the road and suggested that common sense be used to allow this request.

Wanda Rice said approval of this rezoning would be like opening Pandora's Box. She is afraid of what might happen later.

Michael Blair lives on Goldview Road and asked if he would be able to put a single wide in his backyard if the property was rezoned.

The Chairman closed the public hearing at 5:46 p.m.

Debbie Truempy reviewed the uses in R-3 including multi-family housing, mobile homes, trailer parks, cell towers, kennels, clubs, hospitals and more.

Commissioner Stanley moved to approve the request. The motion failed due to lack of second. The rezoning request was denied.

- **Historic Property Designation – William Nelson Camp Jr. House**

Stacey Merten, Director of the City's Historic Resources Office, said that the resolution would designate the William Nelson Camp Jr. house as a local historic site—it is currently a National Historic Site. She reviewed the material attached to the minutes. Asheville Buncombe Historic Resources Commission recommended the designation of the property.

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

Paul and Pat Samuel, the owners of the property, said that he and his wife moved into the house and have put money, time and energy into the property.

The hearing was closed at 5:56 p.m.

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

## **NEW BUSINESS**

- **Comprehensive Annual Financial Report**

Donna Clark, Finance Director, gave her 12<sup>th</sup> Comprehensive Annual Financial Report noting that the report was clean with no findings. She said that this is the first year that the County has had no findings and a great accomplishment in a time of economic difficulty. She reviewed the economic challenges that the County had faced and said the County is performing better than most AAA rated Counties. She thanked the Board and the County Manager for their direction and leadership and the County Department Directors who had faced the challenges in an effective and efficient manner. She thanked her staff Diane Price, Jennifer Pike, Tim Flora, Autumn

Moore, Irene Wolfe and Sherry Banks for their hard work. The Finance Department received the 32<sup>nd</sup> consecutive award for the comprehensive annual financial report.

Commissioner Jones questioned the fund balance changes and the definition of the benchmarking group. *The benchmark group is made up of the AAA bond rated counties: Guilford, Mecklenburg, Wake, Forsyth and Durham.*

Commissioner Peterson thanked the Management Team for all their work on the budget.

Commissioner Jones said that she would like to be more involved with the budget next year so that she could better understand the process.

Ed Houston with Gould Killian Audit Firm reviewed the management report and opinion on the financial statements behind this comprehensive annual financial report. He said that they have given an unqualified opinion or the gold standard for budgeting. He said that there were no findings this year which equals a clean bill of health. They have met with the audit committee and reviewed the reports with that committee.

Commissioner Bailey moved to accept the report. Commissioner Peterson seconded the motion and it passed 5-0.

- **Conservation Easement Requests**

Debbie Truempy, County Planner, said that the Land Conservation and Agriculture Advisory Board had recommended three conservation easements that are outlined in the power point attached to the minutes.

Commissioner Peterson moved to approve the conservation easements as presented. Vice Chairman Stanley seconded.

Ms. Truempy said that the funding for these conservation easements would come from the conservation funds. Commissioner Jones requested more information on this funding. The motion passed 5-0.

- **Election of Vice Chairman**

Commissioner Peterson moved to nominate Vice Chairman Stanley as the Vice Chairman for 2012. Commissioner Jones seconded and the motion passed 5-0.

## **BOARD APPOINTMENTS**

Commissioner Bailey moved to reappoint **Paul Smith** to the **Asheville Planning and Zoning Commission** for a second term. Commissioner Peterson seconded and the motion passed 5-0.

## **ANNOUNCEMENTS**

*The Chairman made the following announcements:*

- *The next meeting of the Board will be January 3, 2011 at 4:30 p.m.*
- *County Offices will be closed December 26 and 27.*
- *Commission meetings can be seen on BCTV Charter Cable Channel 2; AT&T U-Verse Channel 99; live during the meetings and online at [buncombecounty.org](http://buncombecounty.org)*

## **PUBLIC COMMENT**

The Chairman reviewed the rules for public comment.

*The official business of the County has concluded and we will now hold public comment.*

- *The time limit for any comment to the Board is three minutes.*

- *If your time expires then you may leave any questions along with your name, address and phone number with the County Manager.*
- *Board members are not expected to comment on matters during public comment.*
- *Comments should be limited to subjects that are within the jurisdiction of this Commission or pertain to matters upon which it may act.*
- *Any individual speaking during public comment shall address the entire Board. Any polling of Board members is inappropriate.*
- *Persons addressing the Board are expected to observe the decorum of the Chamber, and to be respectful of everyone in the room.*
- *Any person who willfully interrupts, disturbs, or disrupts the session will be asked to leave the meeting.*
- *The Board reserves the right to deny public addresses on a subject previously presented to the Board.*

Lisa Landis requested a 24 hour bathroom for Occupy Asheville protesters and a treatment center for alcoholics.

Don Yelton said he was opposed to any tax increases and conservation easements, suggested a tax reduction on vacant land and transparency for the use of the ¼ tax for AB Tech.

Michelle Pace Wood spoke about panhandling and submitted the City's ordinance that she suggests the County adopt.

Peggy Bennett requested that contractors hired for the construction on the AB Tech campus be hired locally and the process monitored and available to the public.

Mike Fryar gave some statistics on the AB Tech tax vote, was opposed to zoning and conservation easements.

Scott McKinney spoke in favor of AB Tech and their mission. He thanked the Board for their implementation of the tax.

Jerry Rice requested a commission on poverty.

Commissioner Bailey moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0. The meeting was adjourned at 7:01p.m.

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KATHY HUGHES, CLERK TO  
THE BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS