

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF MAY 1 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on May 1, 2012, 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  
K. Ray Bailey, Commissioner  
Bill Stanley, Vice Chairman,  
Carol Peterson, Commissioner  
Holly Jones, Commissioner

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Commissioner Jones 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 the April 17, 2012 Regular Meeting**
- **Resolution Approving Donation of Transfer Van to Madison County**
- **Solid Waste Capital Projects Ordinance**
- **Resolution Approving Revisions to the Passenger Vehicle and System Safety Program Plan for Mountain Mobility**
- **Resolution Authorizing Execution of an Easement with Progress Energy**

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

**GOOD NEWS**

- **Presentation of Buncombe Environmental Leadership Awards**

Michelle Pugliese, Chair of the Environmental Advisory Board, reviewed the award criteria stating that the County had received some exceptional applications this year. One was chosen as the individual award winner and one business winner.

The Chairman reviewed the achievements of the award winners beginning with Bill Eaker with Land of Sky Regional Council who was presented with the Buncombe Green award for his work. He accepted the award on behalf of the staff and board members of the Land of Sky Council and Denise Braine and Mountain Mobility for the nomination and hard work. The business award was presented to Tim Ballard, Green Restaurant Projects Manager on behalf of the partnership

among Blue Ridge Sustainable Institute, Asheville Independent Restaurant Association and Asheville Green Restaurants for their environmental leadership and green certifications. Peter Fileigh thanked the Board stating he felt the collaborative was a great partnership for Buncombe County.

- **Sheriff's Presentation of Medal of Honor Awards**

Van Duncan, Sheriff, acknowledged the heroic efforts of several of his officers who has previously received medals for their work. He presented Medal of Honor awards to Sgt. Brian Styles and Deputy Phillip Holderman for their heroic work in apprehending a dangerous suspect without incident.

## **PUBLIC HEARING**

- **Department of Transportation Secondary Road Improvement Program**

Ed Green, Maintenance Engineer for the Department of Transportation said that a public hearing is required every year to consider the state funding allocation for road paving and maintenance.

Chad Bandy, District Engineer, presented the list that is attached to the minutes. He said that they evaluate the list every four years and score the necessity of priority based on need. In addition to the roads he presented, there are 144 roads (56 miles) that have right of way unavailable and cannot be paved or maintained by the State at this time.

The Chairman opened the public hearing at 5:04 p.m.

Don Yelton thanked the Department of Transportation for filling in the ditches on his road and suggested that the Department review Jupiter road for upgrading.

The hearing was closed at 5:06 p.m.

Commissioner Peterson moved to approve the resolution accepting the road report. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Rezoning Request: HP Patel PIN 9678-15-4614 R-2 to Commercial Service**

Debbie Truempy, County Planner, said that this request was to rezone 1.78 acres from R-2 to Commercial Service. This is adjacent to the City limits of Asheville. The property is currently vacant and surrounded by a mix of commercial and residential property. The Planning Department felt the request was consistent with the land use plan update and within the public interest. The Planning Board held a public hearing on this application and recommended approval. In the 2007 zoning that was later overturned by the Court, this property was zoned commercial service.

The Chairman opened the hearing at 5:10

H. P Patel, property owner, said that all properties surrounding this land are commercial and he requested approval.

The Chairman closed the hearing at 5:12 p.m.

Vice Chairman Stanley moved to grant the request finding that it was consistent with the Land use Plan Update and in the public interest. Commissioner Peterson seconded and the motion passed 5-0.

- **Rezoning Request: Carol Holcombe PIN 9677-41-5426 & 3438 RLD to Commercial Service**

Debbie Truempy, County Planner, said that the request was to rezoning 2 lots or 1.4 acres from RLD to CS. The property has been a commercial plant nursery and the rezoning would be

consistent with the land use plan update. The Planning Board held a public hearing and found this rezoning was consistent with land use plan and moved to approve the rezoning.

The Chairman opened the public hearing at 5:15 p.m.

Annie Clingfield lives next door to the property and was nervous about a noise problem.

Toyia Hoffat will be purchasing the property and put in a coffee shop and not add any more neighborhood impact from the property than already there.

The Chairman closed the public hearing at 5:17 p.m.

Commissioner Bailey moved to approve the requested zoning finding it consistent with the Land Use Plan and in the public interest. Commissioner Peterson seconded and the motion passed 5-0.

## **COUNTY MANAGER'S REPORT**

The County Manager said that the next meeting would include a report on the County's Sustainability Plan and the FY13 Budget message that would not include a tax increase.

## **NEW BUSINESS**

- **Hearing on Request for Refund of Overpayment of Excise Tax**

Mike Frue, County Attorney, said that this refund request was made by George Morosani who was incorrectly charged in the amount of excise tax. He recommended a refund as requested in the information attached to the minutes.

Vice Chairman Stanley moved to refund the money. Commissioner Peterson seconded and the motion passed 5-0.

- **Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Directing Publication of Notice**

Donna Clarke, Finance Director, said that resolution would authorize the County to set a public hearing to consider the financing of the public safety training facility, courthouse phase two, DSS technology, chiller for Asheville Buncombe Technical Community College (AB Tech), radio tower project and a building at 93 Victoria Road for AB Tech. Vice Chairman Stanley moved to approve the resolution setting the public hearing for May 15. Commissioner Peterson seconded the motion and it passed 5-0.

## **BOARD APPOINTMENTS**

Commissioner Peterson moved to reappoint **Brit Lovin** to the **WNC Regional Air Quality Board**. The motion passed 5-0.

## **ANNOUNCEMENTS**

- *The next regular meeting of the Board will be May 1 at 4:30 p.m.*
- *Commission meetings can be seen on:*
  - *BCTV Charter Cable Channel 2*
  - *AT&T U-Verse Channel 99*
  - *Live on [buncombecounty.org](http://buncombecounty.org) during the meetings or*
  - *Online anytime 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.*

Milton Byrd commented on the water issue and suggested that the Commissioners do a resolution of support for the City to request a planning process to the MSD.

Jerry Rice asked about a stream of money and a tax increase. He wants a revenue neutral budget and a lower rate.

Don Yelton wanted an open budget process on the internet for the county and the school system.

Karen Osleinger asked for a resolution opposing amendment one and the County's employment policy updated.

Mike Fryer wanted a public county budget process. He criticized the zoning along 74 that was previously heard.

Beverly Williams wanted her show back on URTV and she was upset that the station was closed.

Commissioner Bailey moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 5-0.

The meeting was adjourned at 5:40 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS