

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF OCTOBER 16, 2012 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on October 16, 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  
Carol Peterson, Commissioner  
Holly Jones, Commissioner

Bill Stanley, Vice Chairman, was absent from the meeting.

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

### **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 September 18 Regular Meeting**
  
- **Resolution Authorizing the Acceptance of Applications and Approval of Housing Projects for the Affordable Housing Services Program**
  
- **Capital Projects Ordinance**
  
- **Resolution Approving Donation of Surplus Vehicle to Skyland Fire Department**
  
- **Resolution Approving the Donation of Surplus Radio Equipment to Buncombe County Schools**
  
- **Resolution Approving the Amended Lake Julian Lease Agreement**
  
- **Release Report (2)**
  
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
  
- **Resolution Authorizing the Approval, Execution and Delivery of a Supplemental Indenture in Connection with the Project Development Financing Bonds (Woodfin Downtown Corridor Development), Series 2008**
  
- **Land of Sky Memorandum of Understanding Regarding Clean Vehicles**
  
- **Approval of Transfer of Leave for Sheriff Office Employee**
  
- **Grant Projects Ordinance**

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

## **Good News**

- **Know Your Numbers Update**

Lynn Rapp, Employee Health Nurse Practitioner, said that the Know Your Numbers Program that began in February of 2012 had been a great success. As of October, 523 employees had been seen and 187 had been in for their second check. One hundred and sixty five had improved their numbers. Participants had lost 576 lbs, reduced their medicines and some had come off medicines all together. She said that the County's pro-active measures to remove tobacco from all county buildings and grounds had resulted in more employees contacting employee health for help to quit smoking. She recommended that the program be continued into 2013.

- **Special VIP Recognition**

Mandy Stone, Assistant County Manager, said that community volunteers were crucial to the success of the County and Minnie Jones had been a wonderful volunteer on the Western Highlands Board for two terms. By law, Ms. Jones would not be allowed to serve an additional term. Ms. Stone said that Ms. Jones service had been at a critical time when the board was in transition and her loyal voice for the people as a member and representative of the western highlands board had represented the Commissioners in an outstanding way.

Minnie Jones thanked the Board for their trust in her and for allowing her to serve on the people. She pledged her support and continued help in the future. The Chairman thanked Minnie Jones for her work throughout the years.

## **PROCLAMATION**

- **Month of the Young Adolescent**

Commissioner Jones read the proclamation and moved for its approval. Commissioner Bailey seconded and the motion passed 4-0. Vicky Boyd, Director of Marketing for United Way, thanked the Board for this support.

- **Down Syndrome Awareness Month**

The Chairman read the proclamation and moved for its approval. Commissioner Bailey seconded and the motion passed 4-0. Curt Euler, Assistant County Attorney and President of the Down Syndrome Alliance, thanked the Board for this proclamation.

- **Long Term Care Residents Rights Month**

Commissioner Bailey read the proclamation and moved for its approval. Commissioner Peterson seconded and the motion passed 4-0. Don Diebert, Chair of the Adult Care Home Committee, accepted the proclamation on behalf of the committee and the residents. Cathie Beattie, Social Worker, thanked the Board for recognizing the issue of resident rights. She also thanked the volunteers on the Adult Care Home Committee for their dedicated work.

- **Adoption Awareness Month**

Commissioner Peterson moved to approve the proclamation. Commissioner Jones seconded and the motion passed 4-0.

## **PUBLIC HEARING**

- **Properties Related to the Asheville Regional Airport and WNC Agriculture Center:**

- Request Rezoning of PIN 9643-38-8413; 9643-48-6540 ; 9643-28-5196; 9643-27-0951; 9643-37-0462; 9643-38-0006; 9643-36-2924; and 9643-27-6465 from Low-Density Residential (R-LD) to Public Service (PS)
- Request Rezoning portions of PIN 9643-35-1731; and 9643-37-3995 currently zoned

Low-Density Residential (R-LD) to Public Service (PS) and incorporate the portions of these properties which are currently not zoned, into the Official Zoning Map of Buncombe County, to be zoned Public Service (PS);

- Request to incorporate tax lot PINs 9643-70-9259; 9643-52-1970; 9643-55-9071; 9643-36-0063; 9643-36-2031; 9643-36-1531; 9643-62-1636; 9643-36-2590; 9642-77-9868; 9643-54-7075 currently not zoned, into the Official Zoning Map of Buncombe County, to be zoned Public Service (PS);

Debbie Truempy, County Planner, said that these properties were included in the Asheville Regional Airport and the WNC Agricultural Center and had been removed from the City's zoning and City limits by action of the general assembly. This action would incorporate them into County's zoning. Some properties are being rezoned and some zoned for the first time within the County's zoning jurisdiction. She said that the Planning Board held a public hearing and no comments were taken. The Planning Board found that these changes were consistent with land use plan, reasonable and in the public interest and recommend these rezoning.

The Chairman opened the public hearing at 5:14 p.m.

Jerry Rice asked why this was to be zoned by the County and what, if any, responsibility the county would assume for these properties.

The Chairman closed the public hearing at 5:16 p.m.

Ms. Truempy said that the County is not assuming ownership of the properties so there is no liability involved with these properties.

Lew Bleiweis, Airport Director, said that Progress Energy's self contained ash product was being used to fill in a hole on site. They were filling in 3 million cubic yards of dirt and saving about \$10 million through this project. Ownership of the ash and liability remains with Progress Energy for the future.

Commissioner Peterson moved to approve the zoning changes finding that the requests were consistent with the land use plan and in the public interest. Commissioner Bailey seconded and the motion passed 4-0.

- **Request to incorporate tax lot PIN 9643-35-1449 which is currently not zoned, into the Official Zoning Map of Buncombe County, to be zoned Low-Density Residential (R-LD)**

Ms. Truempy said that this property was not currently zoned and this request was also the result of the recent statute changes. The Planning Board held a public hearing and no comments were taken. They found the request consistent with the land use plan and in the public interest to rezone. The Planning Board recommended approval as requested.

The Chairman opened the public hearing at 5:23 p.m.

No comments were taken. The hearing was closed at 5:23 pm.

Commissioner Jones moved to approve the rezoning finding the request consistent with the land use plan, reasonable and in the public interest. Commissioner Bailey seconded and the motion passed 4-0.

- **Request Rezoning by Jeanette Bowling for PIN 9689-38-1040 currently zoned Low Density Residential District (R-LD) to Single Family Residential District R-1.**

Debbie Truempy said that Ms. Bowling had applied to rezone a small part of a tract that was vacant and surrounded by Beetree Forest Subdivision. The Planning Board held a public hearing and no comments were made. They found the request to be consistent with the land use plan and in the best interest of the public. The Planning Board and Department recommended the rezoning.

The Chairman opened the public hearing at 5:27 p.m.

Ms. Bowling thanked the Board for considering this rezoning. She said that her husband had built Beetree Forest and this was the last segment of that subdivision.

The Chairman closed the public hearing at 5:28 p.m.

Commissioner Jones moved to approve this rezoning finding that it was consistent with the land use plan, reasonable and in the public interest. Commissioner Bailey seconded and the motion passed 4

## **NEW BUSINESS**

- **Conservation Easement Funding Request**

Debbie Treumpy, County Planner, said that the Agricultural Advisory Board had requested \$18,000 to pay transaction costs on a conservation easement for a 57 acre farm in Leicester. The power point attached to the minutes details the easement. The Chairman said that this property would become part of the voluntary program and would join the other 6,000 acres that the county had already conserved.

Commissioner Peterson moved to approve the request. Commissioner Bailey seconded and the motion passed 4-0.

## **BOARD APPOINTMENTS**

Commissioner Peterson moved to appoint **Steve Garrison** to the **Workforce Development Board**. The motion passed 4-0.

## **ANNOUNCEMENTS**

- *The next regular meeting of the Board will be November 20 at 4:30 p.m. in the NEW Chambers at 200 College Street, Room 326, 3<sup>rd</sup> Floor*
- *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.*

Angela McCoy said that a lien had been placed on her father's property. She asked that the Board review the situation of William E McCoy. She said that the North Carolina Department of Environmental Health and Natural Resources had been asked to help but had not responded. The Chairman asked that she leave her contact information with County staff.

Jerry Rice wanted to know how many counties gave public comment instructions before the public comment period. He mentioned an issue regarding class size increases for special needs students. He thanked the Board for allowing Minnie Jones to serve on the LME.

Commissioner Peterson moved to go into closed session per NCGS 143-318-11(a)3 for a worker's compensation claim involving Wood vs Buncombe County and (a)5 for a possible property acquisition. Commissioner Bailey seconded and the motion passed 5-0.

**CLOSED SESSION**

The County Manager presented a possible property acquisition to assist with planning for a parks and recreation improvement. The Board agreed to hold off any action on this until a later date.

The County Attorney presented a possible settlement of a worker's compensation claim. The Board gave consensus for the Attorney to attempt a settlement in the claim. No action was taken.

Commissioner Bailey moved to return to open session. Commissioner Peterson seconded and the motion passed 4-0.

Commissioner Bailey moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 4-0.

The meeting was adjourned at 6:10 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS