

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF DECEMBER 1, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on December 1, 2009, 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
K. Ray Bailey, Commissioner
Holly Jones, Commissioner
Carol Peterson, Commissioner

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

Rev. Dennis Thurman, Pastor of Pole Creek Baptist Church 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 November 17 , 2009 Regular Meeting**
- **Resolution Approving Pyrotechnic Experts for Fireworks Displays (Inn on the Biltmore Estate)**
- **Budget Amendments: Fund 22 WIA Dislocated Worker Funds; Fund 10 Detention Center**
- **Grant Projects Ordinance**
- **School Capital Commission Fund Project Ordinance**
- **Vehicle Policy Change**
- **Road Petition: Foster Estates Drive Addition**

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

OLD BUSINESS

- **Ordinance Adopting Maps and Text of the Amendment to Chapter 78 of the County Code Zoning Ordinance of Buncombe County**

Mike Frue, County Attorney, said that this was the second reading of the zoning ordinance and consistency statement. On August 18 the Board referred the text and maps to the Planning Board and Limestone and Beaverdam Councils who had found the ordinance and maps to be

consistent with the Land Use Plan. The Board held a public hearing on November 17 and adopted the Ordinance on first reading.

Commissioner Peterson moved to approve the Resolution of Consistency on second reading. Commissioner Jones seconded the motion and it passed 5-0.

The County Attorney asked the Board to approve the Ordinance Adopting the Maps and Text of the Amendment to Chapter 78 of the County Code – Zoning Ordinance on second reading.

Commissioner Peterson moved to approve the zoning ordinance on second reading. Commissioner Jones seconded and the motion.

The Chairman made a statement on why he supported zoning and was in favor of the adoption of the ordinance. He favored protection for steep slopes and ridge tops and the Blue Ridge Parkway. He said that zoning would not be the answer to every problem but would offer some protection for citizens and give them more control of their property. He confirmed that the County would have had to have permission from the general assembly to allow a vote on zoning by the public and pointed out that North Carolina is not a referendum state and that the bucks stops with the Commissioners who are elected by the people.

Vice Chairman Stanley said that he felt there were enough existing ordinances to protect the property rights of citizens. He urged anyone that was unhappy with their zoning designation to challenge their designation.

Commissioner Jones reminded the public that the Board had asked for a waiver of fees for rezoning applications for 90 days after adoption of the ordinance.

Commissioner Peterson thanked the Planning Staff and County Attorney for the work that they had done to bring this back for adoption and reinstatement.

Commissioner Bailey said that when he ran for office he had not planned on this discussion but he had been for zoning and he felt it should be reinstated for the good of the County; however he said that he was not satisfied with everything that was in the ordinance and that portions of the ordinance would be reviewed.

The motion passed 4-1 as follows:

AYES: Chairman Gantt; Commissioners Bailey, Jones and Peterson

NOES Vice Chairman Stanley.

NEW BUSINESS

▪ Election of Vice Chair

Commissioner Bailey moved to reappoint Commissioner Stanley as the Vice Chair. Commissioner Peterson seconded and the motion passed 5-0.

▪ Resolution Authorizing The Finance Director to Apply for Excess Recovery Zone Facility Bond Allocation

Donna Clark, Finance Director, said that the County was requesting additional recovery bond funds in the amount of \$4,000,000 that would be available from unused funds in North Carolina. The funds would be applied through Mountain Housing Opportunities for their Glen Rock Hotel Project. These funds are part of the federal stimulus package and allow the County to grant for profit entities access to the tax free bond market.

Cindy Weeks with Mountain Housing Opportunities, outlined the Glen Rock Hotel Project, a 1930 structure with retail and office space. In response to a question from Commissioner Jones, Ms. Weeks said that 60 new jobs would be created through this project.

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

BOARD APPOINTMENTS

Commissioner Stanley moved to reappoint **Dwight Butner** to the **Downtown Commission** for a term of three years. The motion passed 5-0.

Commissioner Peterson moved to reappoint **Max Haner** to the **Metropolitan Sewerage District Board** for a term of three years. The motion passed 5-0.

ANNOUNCEMENTS

The Chairman announced that the next regular meeting of the Board would be January 5, 2010 at 4:30 p.m.

PUBLIC COMMENT

Alan Ditmore said that zoning did not help the environment, it was extremely polluting and forced the separation of homes and jobs. He felt that building more roads caused pollution and single family zoning forced less efficient home construction.

Mike Fryer said that there were lots of citizens that did not know about zoning and he was upset about the signs used to notice the ordinance and the newspaper circulation

Hope Herrick spoke in opposition to zoning and said that the Commissioners should be ashamed of voting to take the rights away from the people.

Tom Christopher with Manufactured Housing Association wants the zoning ordinance changed to allow manufactured homes in R-1 and R-2 districts. He said that it would increase affordable housing.

Brad Lovin with North Carolina Manufactured Housing Association said that they want Manufactured Housing back in R-1 and R-2. He presented examples of the language that he wanted in the ordinance.

Vito Motverito former owner of a Mobile Home Park also wanted a change to R-1 and R-1 to include all housing types.

Joe Belcher asked that manufactured homes be included in R-1 and R-2.

Jerry Rice asked about possible changes to the video of the November 17 Commission meeting. He criticized the Board and said that they deceived the people. He said that everyone should have been allowed to vote on zoning.

- **Ordinance #09-04-01 Imposing a Temporary, Limited Moratorium on the Acceptance of Applications for and/or Issuance of any Storm Water Soil & Erosion, Flood Development, Well & Septic or Building Permits and/or Permits for Adult Entertainment Establishments, Amusements Parks, Asphalt Plants, Concrete Plants, Chip Mills, Hazardous Waste Facilities, Incinerators, Junkyards, Landing Strips, Motor Sport Facilities, Outdoor Shooting Ranges, Slaughtering Plants, mining and Extraction Operations and Solid Waste Facilities in Buncombe County North Carolina Pursuant to NCGS 153A-340(h)**

Vice Chairman Stanley moved to add to the agenda rescinding the moratorium imposed by Ordinance #09-01-01. Commissioner Peterson seconded and the motion passed 5-0.

Vice Chairman Stanley moved to end the moratorium that was outlined in Ordinance #09-04-01. Commissioner Peterson seconded the motion and it passed 5-0.

Commissioner Stanley moved to go into closed session per General Statute 143-31811a(3) (4) to consider 2 legal matters and an economic development matter. Commissioner Peterson seconded and the motion passed 5-0.

CLOSED SESSION

The Board discussed the CTS cleanup and gave the staff consensus to move forward with the letters to federal and state agencies.

The County Attorney reviewed and advised the Board regarding a recent lawsuit in Forsyth County involving prayer before Board meetings. No action was taken.

Jon Creighton, Assistant County Manager, presented a possible economic development incentive for infrastructure to a new medical development. The County's share would be \$200,000 not paid until the entire financing plan was complete. The Board gave consensus to offer this amount, not paid until the plan was finalized.

Mr. Creighton presented another economic incentive for a local company that would make a \$55 million expansion bringing 55 additional jobs that pay \$42,000 a year. He requested that the County offer \$1 million paid over 5 years at \$200,000 per year once the expansion is complete and jobs are here. The Board gave consensus to make this offer.

Vice Chairman Stanley moved to return to open session and adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0.

The meeting was adjourned at 6 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS