

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

BE IT REMEMBERED: That the Board of Commissioners met in regular session on October 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:

Chairman Gantt called the meeting to order with the following members present:

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

Vice Chairman Stanley 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 September 13, 2011 Meeting**
- **Resolution Awarding a Service Firearm to a Retiring Deputy of the Buncombe County Sheriff's Department**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**
- **Budget Amendments**
 - **Fund 10 – Transfer to Grants Projects Fund (\$8,621)**

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

GOOD NEWS

- **County Wins National Award**

Kathy Hughes, Clerk to the Board/PR Director, reported that the County had submitted their new website buncombecounty.org for a national award and took top honors. The National Association of Governmental Webmasters Association awarded Buncombe County with the Pinnacle Award and Members Choice award for outstanding achievement. The web site took top honors beating out the City of Boston and Boulder Colorado. Ms. Hughes thanked the master minds behind the design, Ben Atkins, Web Assistant; Anthony Perrone, Graphic Designer and Jeremy Twiggs, Webmaster for their work to make the award possible.

- **Report on Mission Hospitals System from Ron Paulus**

Commissioner Bailey introduced Dr. Ron Paulus, the new CEO of Mission Health System who had just finished his 1 year anniversary with the hospital. Dr. Paulus reviewed their successes and challenges and changes in the hospital including their new office of patient experience, hiring of a Chief Quality Officer and a Chief Operating Officer. He reviewed challenges with governmental restrictions and the certificate of public advantage that will be reviewed in a hearing in Henderson County on October 20. He asked the Commissioners to visit truemission.org to learn more about the challenges they face.

PUBLIC HEARING

- **Ordinance Amending Chapter 78, Article VI of the Buncombe County Code Regarding Vacation Rentals**

Jon Creighton, Assistant County Manager/Planning Director, reviewed the Planning Board's recommended changes to the county code in relation to vacation rental properties.

Tom Alexander, County Planning Board Chairman, reviewed the issue of vacation rentals in the County. He said that over 1,000 vacation rental properties were scattered throughout the County's zoning districts. He said that home owners associations could regulate vacation rentals within their covenants and that any change the County made would be overruled by the covenants.

Debbie Truempy, County Planner, highlighted the changes in the power point that is attached to the minutes of this meeting.

Commissioner Jones questioned the definitions of vacation rental complex and single rental properties.

Mike Frue, County Attorney, pointed out that the room occupancy tax was applicable for complexes with five units or more and would be administered through the Finance Department and Tourism Development Authority. He said that Senate Bill 683 would not apply to the proposed ordinance change.

The Chairman opened the public hearing at 5:19 p.m.

Andrew Brooks, a real estate broker who manages his own property, asked that the Board endorse the proposal and approve the Planning Board recommendation. He has rental property and wants to rent for long and short term periods of time.

Mike Butrum with Asheville Board of Realtors, spoke in favor of the vacation rentals and asked for more clarity around SB 683.

Christopher Chiaromonte said that he wanted to speak on URTV and PEG funds. He said that all property is rented from the government.

Don Yelton said that the proposed ordinance amendment would destroy the open use district. He felt that if someone needed to use their property as a rental it should be allowed and he wanted the ordinance reviewed again.

Liz Liderholt, realtor and vacation rental property owner, said that she was concerned with the language for vacation rentals where 3 or more are adjacent and create a complex. She has two rentals and if she wanted another she would need a conditional use permit but could have a hotel or mobile home park without conditional use permit.

Chip Craig, manager of vacation rentals, said that until December 2009 all vacation rentals were allowed. He said that over time there will be less vacation rentals when the market improves. He was in support of the revised ordinance.

Jerry Rice was opposed to the ordinance and zoning.

Joe Sechler, member of the County Planning Board, said he voted against the ordinance when it was considered by the Planning Board. He said that the proposal was not developed with

citizen knowledge and that realtors were split in their approval of the ordinance. He said that residents don't want property next door to a rental property and that the ordinance would not be enforced as written.

The public hearing was closed at 5:45 p.m.

Mr. Creighton said that the average vacation rental was used for a weekend for a family visiting the area.

Commissioner Jones moved to amend the proposed ordinance to make vacation rental complexes a permitted use not a conditional use. The motion failed for lack of a second.

Commissioner Bailey said that he was in favor of the proposed ordinance but would ask that the Planning Board review the permitted use issue at a future date.

Commissioner Peterson moved to adopt the ordinance as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

NEW BUSINESS

- **Resolution Authorizing the Acceptance of Applications and approval of Housing Projects for the Affordable Housing Services Program**

Donna Cottrell, County Planner, introduced the resolution and program applications from four organizations that reviewed their projects.

Anthony Goodson and Stephanie Meese with Asheville Housing Authority reviewed the success of the down payment assistance and home ownership programs.

Philippe Ross with Eblen Charities reviewed the rental and security deposits assistance programs to help individuals that are at risk of homelessness.

Scott Dedman, Lloyd Freel and Cindy Weeks with Mountain Housing Opportunities described the emergency home repair, maintenance program, new home construction and Glen Rock residential construction projects.

Lew Kraus with Habitat for Humanity said that Buncombe County was the first County in North Carolina to form a habitat for humanity office. He reviewed new construction in the Woodfin area for four families to be completed in 2012.

Commissioner Jones moved to approve the resolution as presented. Commissioner Bailey seconded and the motion passed 5-0.

- **Western Highlands Network Report**

Donna Clark, Finance Director, gave the report of Western Highlands Network as attached to the minutes of this meeting.

Commissioner Peterson moved to approve the report as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Commissioner Bailey moved to reappoint **Donald Deibert, Mary Adami, Marjorie Latta** to the **Adult Care Home Community Advisory Committee**. The motion passed 5-0.

Vice Chairman Stanley moved to appoint **Peter Cook** and **Pat Boyd** to the **Mountain Area Workforce Development Board**. The motion passed 5-0.

Commissioner Peterson moved to appoint **Wes Wright** to the **Civic Center Commission**. The motion passed 5-0.

ANNOUNCEMENTS

The Vice Chairman made the following announcements:

- *The next meeting of the Board will be October 18, 2011 at 4:30 p.m.*
- *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*

PUBLIC COMMENT

Don Miller said he lived in Old Fort and worked at Mission Hospital. He spoke in favor of the protestors and wanted them to be allowed to have a public forum.

Lisa Landis spoke on behalf of Occupy Asheville.

Don Yelton commented on septic tank requirements and residency requirements.

Christopher Chiaromonte spoke regarding URTV and civil rights.

Erin Penland spoke regarding the CTS property and asked that citizens monitoring committee be notified when the County receives additional information regarding the status of the building. He asked why the EERB was onsite. The Chairman asked that staff get the information for Mr. Penland.

Anna Hernaski, student at UNCA, spoke on behalf of Occupy Asheville.

Eric Penland asked why the CTS building was not going to be torn down when the County said it would be. The County Attorney said that the County would continue to pursue condemnation of the property within the law.

Leeann Smith was concerned that the CTS building demolition would not happen.

Jerry Rice asked why the public comments were removed from the minutes. He did not want the firearms given to retiring deputies and instead sold for profit to the County.

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

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS