

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

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on December 4, 2012, in the Commissioner Chambers, 200 College Street, Room 326 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  
Joe Belcher, Commissioner  
Holly Jones, Commissioner  
David King, Commissioner  
Brownie Newman, Commissioner

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

The Chairman 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 Belcher moved to approve the consent agenda as presented.

- Approval of Minutes of November 20, 2012 Regular Meeting
- Budget Amendments-- Fund 10 Detention Center Revenues \$63,118
- Special Projects Fund Ordinance
- ABTCC Capital Projects Ordinance (this item was held for consideration at a later date)
- Approval of the Fair Housing Plan Update
- Resolution Approving Pyrotechnic Experts for Fireworks Displays
  - o Request

Commissioner King seconded the motion and it passed 5-0.

**GOOD NEWS**

- **Summer Food Program Update**

Lynnette Vaughn Hensley, County School Nutrition Director, gave a report on the County's first summer child nutrition program. She thanked Fran Thigpen and Lynn Pegg from County Parks and Recreation for their help in making the program work. The program closed on budget with the exception of \$213 which was covered by Eblen Charities.

**PUBLIC HEARINGS**

- **Rezoning Request from Jesse Gardner for PIN 9688.08-4768 from R-1 to NS**

Debbie Truempy, County Planner, reviewed the rezoning request stating that the Planning Department found the request to be consistent with the land use plan and in the public interest. The Planning Board

held a public hearing where one person spoke representing the Sherwood Forest Subdivision in opposition to the rezoning. They were concerned with increased traffic from development. The Planning Board found the request consistent with the land use plan and in the public interest and recommended approved.

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

Jesse Gardner, a civic engineer who was representing the land owner, requested the Board approve the rezoning for the development of a convenience store.

The Chairman closed the hearing at 5 p.m.

Commissioner King moved to approve the rezoning, finding that they were reasonable and in the public interest as presented. Commissioner Jones seconded and the motion passed 5-0.

- **Rezoning Request from Carl Ricker Jr for PIN 9668.76-8496 from R-3 to Commercial Service**

Debbie Truempy, County Planner, presented the requested rezoning of a property located on Lower Grassy Branch Road. The Planning Department found the request to be consistent with the land use plan and in the public interest. The Planning Board held a public hearing where two people spoke but none in opposition. The Planning Board found the request consistent with the land use plan and in the public interest and recommended approval.

The Chairman opened the public hearing at 5:05 p.m.

Carl Ricker, petitioner, said that he purchased the property in 1967 and it had always been commercial property.

Mike Summey said that he had no objection to this rezoning.

The Chairman closed the public hearing at 5:07 p.m.

Commissioner Newman moved to approve the rezoning, finding that it was reasonable and in the public interest. Commissioner King seconded and the motion passed 5-0.

- **Rezoning Request from Mayfair Partners LLC to for PIN 9629.22-75-7650, 8443, 8397 and 9629.32-0159 from R-1 to R-2**

Debbie Truempy, County Planner, explained the requested rezoning of four parcels totaling 5 acres, located off Old County Home Road. The Planning Department found that the request was consistent with the land use plan and in the public interest. The Planning Board held a public hearing where one person spoke concerning storm water runoff from the development. The Planning Board found that it was consistent with the land use plan and in the public interest and recommended approval.

The Chairman opened the public hearing at 5:12 p.m.

Greg Phillips, developer of the Millcreek Development for the petitioner, said that mortgage lenders were reviewing zoning standards and the development was not in compliance. He said that this development was in bad shape when they took it over.

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

Commissioner Jones found this the request was consistent with the land use plan and in the public interest and moved to approve the request. Commissioner Belcher seconded and the motion passed 5-0.

## **NEW BUSINESS**

- **Resolution Setting Time and Date for Commission Meetings**

The Chairman said that the resolution presented for adoption would keep the same time and set the place of meeting as 200 College Street. Commissioner King moved to adopt the resolution. Commissioner Jones seconded the motion.

The motion passed 5-0.

- **Setting Chairman and Commissioner' Compensation**

The County Attorney said that all compensation set for the Board of Commissioners expired, per the budget ordinance, on December 3.

The Chairman moved to keep the Chairman and Commission compensation the same as it had been on December 3 based on the fact that two commissioners had not been seated. The issue would be revisited

when those two members were sworn in. Commissioner King seconded the motion.

Commissioner Belcher said that he agreed to hold the compensation until other commissioners were seated. Commissioner Jones said that this should be reviewed as part of the budget. She asked that this be reviewed again as part of the budget of 2014.

The motion passed 5-0.

## **ANNOUNCEMENTS**

- *The next regular meeting of the Board will be January 15 at 4:30 p.m. in 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 during the meetings or*
  - *Online anytime at buncombecounty.org*

## **PUBLIC COMMENT**

*The Chairman reviewed the rules for public comment stating that the official business of the County had concluded and public comment would be taken under the following rules:*

- *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.*

Don Yelton complained about the lighting and sound in the new chambers and wanted public comment on every issue instead of at the end of the meeting.

Jerry Rice complained about outside camera placement at the back of the room. He mentioned a contamination problem regarding a proposed school site and problems at the old Chemtronics site.

Commissioner Belcher moved to go into closed session per NCGS 143-318-11(a)4 for one economic development matters. Commissioner King seconded and the motion passed 5-0.

## **CLOSED SESSION**

Jon Creighton, Assistant County Manager, discussed continuation of an economic development incentive with an existing business that had not completely met their incentive grant goals. They would be paid a portion of the incentive based on the portion of the agreement completed. The Board agreed with this approach by consensus.

Commissioner Jones moved to return to open session. Commissioner King seconded and the motion passed 5-0.

Commissioner King moved to adjourn the meeting. Commissioner Newman seconded and the motion passed 5-0.

The meeting was adjourned at 5:55 p.m.

