

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF FEBRUARY 18, 2014 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 18, 2014, 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
Ellen Frost, Vice Chair
Joe Belcher, Commissioner
Mike Fryar, Commissioner
Holly Jones, Commissioner
David King, Commissioner
Brownie Newman, Commissioner

Staff present was: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/HHS Director; Jon Creighton, Assistant County Manager/Planning Director; Bob Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

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 mentioned.

The Chairman said that there would be public comment on the African American Heritage resolution only.

PUBLIC COMMENT

Patrick Erwin from District 2, President of Chain-Free Asheville, asked that the Commissioners pass an ordinance to ban the chaining of dogs. He proposed that the ordinance include a grace period of 12 months before fines are enforced. He said that Chain-Free Asheville, a local non-profit group, were willing to build fencing for citizens who currently chain their dogs and could not afford fencing.

Linda Palmer from District 1 spoke in support of banning the chaining of dogs in the County.

Sharon Wood from District 3 spoke in support of an anti-tethering ordinance saying that according to the Asheville Humane Society who runs the Animal Shelter, there was no significant increase in stray dogs after the City of Asheville passed their ordinance banning chaining.

Marylyn Walker from District 2 listed the communities that have already enacted an ordinance banning chaining of dogs. She said that Bill McKelvey had expressed his desire to see the Board approve an ordinance.

Trulea Wilburn from the Coburn Science Center thanked the Board for their support of the museum and outlined the benefits of the science center. She said that the Center staff were concerned that they wouldn't have enough money to continue and want support from the Board.

Roy Harrison said he came here over 30 years ago and can't decide if he wants to stay.

Jennifer Brayler, Interim President of Asheville Humane, spoke in support of the ban on chaining in the County.

Charles Wykle, Old Farm School Road resident, said that he observed that the Planning Board during a recent meeting regarding the rezoning of the Old Coggins Farm property. He said they were very anxious to make the motions regarding the property and he felt that there was more that should be considered before any action was taken.

Vice Chair Frost applauded the group's efforts to address the issue of chaining animals and asked the County Manager to set up a meeting with these residents, the Sheriff and Animal Control so that they could move forward on this issue.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Vice Chair Frost moved to approve the consent agenda as presented including the removal of the discussion of Moogfest funding. Commissioner King seconded the motion and it passed 7-0.

- *Approval of Minutes of February 4, 2014 Regular Meeting*
- *Allow Voluntary Shared Leave Between Diana Maney and Jennifer Maney Roberson*
- *Resolution Approving Request for Substantial Equivalency from the Office of State Human Resources*
- *Release Report*
- *Approval of Reinstatement of Employee 2011 Suspended consumer Price Index*

- *PDF Woodfin Downtown District Capital Project Ordinance*
- *PDF 2008 Debt Service Reserve Capital Projects Ordinance*
- *ABTCF Capital Projects Ordinance*
- *School Capital Commission Fund Project Ordinance*
- *Capital Project Ordinance*
- *Budget Amendments:*
 - *Fund 10 – Public Health*
 - *Fund 30 – Final Grant Award Transportation*
 - *Fund 66 – Solid Waste*

GOOD NEWS

- **Fire Chiefs Recognition**

Jerry VeHaun, EMS Director, said that for the first time in the history of the NC Association of Fire Chiefs two men from the same County had been awarded Volunteer and Career Fire Chief of the Year. Both from Buncombe County which is the first time this has ever happened.

Commissioner Newman read and presented the plaque to Career Fire Chief of the year Scott Burnette. Chief Burnette thanked the Board for the honor and for their support.

Commissioner King read and presented the plaque to the Volunteer Fire Chief of the Year Jeff Justice. Chief Justice thanked the Board for the honor and for their support.

PUBLIC HEARING

- **Zoning Text Amendment – Dimensional Requirements**

Josh O'Connor, Zoning Administrator, gave a power point attached to the minutes regarding the amendments to the zoning ordinance. The Chairman opened the public hearing at 5:19 p.m. No comments were taken. The hearing was closed at 5:20 p.m. Vice Chair Frost moved to approve the amendments as presented. Commissioner Fryar seconded and the motion passed 7-0.

- **Zoning Text Amendment – Accessory Use Setbacks**

Josh O'Connor, Zoning Administrator, explained the text amendments that would affect the accessory (garage, shed, etc) use setbacks. The Chairman opened the public hearing at 5:22 p.m. No comments were taken. The Chairman closed the public hearing at 5:23 p.m. Commissioner Newman moved to approve the amendments. Commissioner Belcher seconded and the motion passed 7-0.

- **Rezoning Request – Deweese**

Debbie Truempy, County Planner, said that the property considered for rezoning was 5 acres off Old Marshall Highway and was currently undeveloped. A portion of the parcel joined a gravel company but was surrounded by R-1 and R-2. The Planning staff recommended denial because it was not consistent with the land use plan and would not be suitable for commercial or industrial development. The Planning Board held a public hearing on December 13. The petitioner said that he wanted to place a mobile home on this property and a rezoning to employment would allow this. The neighbors spoke against this rezoning during the public hearing on December 13. The Planning Board found that this rezoning was not consistent with the land use plan and was not in the public interest.

The Chairman opened the public hearing at 5:30 p.m.

Jeff Glenn, a neighbor of the petitioner, said he was not opposed to having a manufactured home on the property; however, the petitioner had piled lots of debris and old cement blocks on the property and destroyed the area and he felt that the petition was not a good caretaker of his property.

No other comments were taken.

The Chairman closed the hearing at 5:33 p.m.

Vice Chair Frost moved to support the recommendation to deny the rezoning petition. Commissioner Newman seconded.

Commissioner Newman said there should be other ways to allow manufactured homes without allowing something this open-ended if what they want is a home.

Commissioner Belcher said that he would support anyone asking for a residence.

The motion passed as follows:

AYES: Chairman Gantt, Vice Chair Frost, Commissioners Newman, King, Fryar, Jones

NOES: Commissioner Belcher

- **Rezoning Request - Herron**

Debbie Truempy, County Planner, said that this lot is near Brevard Road and has requested a rezoning from R-1 to NS. The property is currently undeveloped and adjacent of an NS district. The Planning Staff recommends approval of this request as it is consistent with the land use plan. The Planning Board held a public hearing on December 16 and

found that this is consistent with the land use plan and would be reasonable and in the public interest and recommended approval of the rezoning.

The Chairman opened the public hearing at 5:43 p.m.

John Herron spoke in favor of the rezoning.

The Chairman closed the public hearing at 5:44 p.m.

Commissioner Belcher moved to approve the request as presented. Commissioner King seconded and the motion passed 7-0.

NEW BUSINESS

- **Resolution Regarding Use of Non-Toxic Cleaners**

Vice Chair Frost said that she was in favor of this resolution and glad to see the county willing to move in this direction. She moved for the passage of this resolution.

Commissioner Jones seconded the motion.

Commissioner King said that he was in agreement with the spirit of the resolution; however, he was concerned it would be expensive and would not be reasonable for the County's contracted cleaning companies.

Commissioner Fryar said that he was not in support because he felt it would not be the most effective way to clean.

The County Attorney said that the present wording does not require anything except the adherence to principles in making decisions; however, adding addition wording to the resolution might be a good solution.

Commissioner Jones amended the motion to add language to the resolution stating "that nothing herein shall prohibit the staff from using cleaners or other materials necessary in completing the task in compliance with applicable law." Vice Chair Frost was in agreement with this amendment.

The motion with the amendment passed as follows:

AYES: Chairman Gantt, Vice Chair Frost, Commissioners Newman, Jones, King

NOES: Commissioners Fryar, Belcher

ANNOUNCEMENTS

- *This next meeting will be March 4 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *The Board will hold a retreat on March 11 beginning at 2 p.m. in the First Floor Conference Room at 200 College Street in downtown Asheville.*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 192*
 - *AT&T U-Verse Channel 99*
 - *Live on BCTV Channel 192 and on buncombcounty.org during the meetings or*
 - *Online anytime at buncombcounty.org*

Vice Chair Frost moved to go into closed session pursuant to NCGS 143.318.11(4) to consider a possible economic development incentive. Commissioner Belcher seconded and the motion passed 7-0.

CLOSED SESSION

Discussion was held regarding a possible economic development incentive for an existing company. The Board agreed by consensus to contact the Tourism Development Authority regarding funding for this incentive. No action was taken.

Vice Chair Frost moved to return to open session. Commissioner Fryar seconded and the motion passed 7-0. Commissioner King moved to adjourn the meeting. Commissioner Belcher seconded and the motion assed 7-0. The meeting was adjourned at 6:35 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS