

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF SEPTEMBER 16, 2014 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on September 16, 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; Donna Clark, Finance Director; Mike Frue, Senior Staff Attorney; 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.*

### **PUBLIC COMMENT**

Alan Perkal with the Vietnam Veterans of America invited everyone to the Town Hall meeting on Saturday October 25 in Asheville regarding the effects of agent orange on veterans and their families.

Timothy Sadler spoke regarding the improvement of interpersonal relationships between law enforcement and the general public.

Jerry Rice spoke about the contamination at the old Enka plant site and the danger of development on this property. He questioned the formation of the Enka Youth Sports Association that would oversee the development on the site.

### **DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA**

Vice Chair Frost moved to approve the consent agenda as presented. Commissioner Jones seconded and the motion passed 7-0.

- *Approval of Minutes of September 2, 2014 Regular Meeting*
- *Budget Amendment: Fund 10 – Domestic Violence Focused Deterrence; Carry Forward Funds*
- *Resolution Granting Storm Water Easement to the City of Asheville*

### **PUBLIC HEARINGS**

- **Expansion of County Zoning to Including Weaverville ETJ**

Josh O'Conner, Zoning Administrator, said that the NC General Assembly had cancelled Weaverville's zoning jurisdiction outside the city limits in the extra-territorial jurisdiction (ETJ) and allowed the implementation of the County's zoning regulations in this area. He said that planning staff matched the current municipal zoning to the closest zoning district that was in the County's ordinance. Everyone impacted by the change was sent a notice and 3 public hearings had been held before the Planning Board. At its August 18, 2014 hearing, the Planning Board recommended approval of the maps as presented to this Board. The owner of 145 Monticello Road had requested a change from R-3 to CS at this time; however, the Zoning Administrator said this change should be considered for corrective action at the October 21 meeting. Mr. O'Conner said that individuals can request rezoning of their property within the 90 day period without any application fee.

The Chairman opened the public hearing at 4:53 p.m.

Sara Faulkner from Weaverville reminded everyone that the fee waiver was available for any rezoning request.

Peter Neilson from Weaverville asked if his R-3 zoning included conditional use. He requested clarification on the definition of conditional use.

Craig Justice, attorney representing the owner of the Monticello Road property, said that this property had been incorrectly zoned and asked that the mistake be corrected at this meeting. He said that the Board could choose to rezone the property at this meeting and did not have to wait for the October 21 meeting as instructed by staff.

Jerry Rice asked if Weaverville's zoning inside the ETJ allowed mobile homes. He wanted mobile homes allowed in this area. He questioned the term grandfathered and whether it would be used in this zoning.

Keith Roberts, owner of the Monticello Road property said he needed his property rezoned as soon as possible and understood that it was an oversight and simple mistake.

Thor Orr asked about placement of mobile homes and complained about the published maps that he felt were deceptive.

Gary Talback commented on the density of the lots in development in the area. He does not want to see any more density in the area.

Roy Reece was concerned about the density of Stoney Knob Road and the traffic that will result from more density in this area.

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

Mr. O'Connor explained the term conditional use and the density requirements of the county's zoning versus the previous Weaverville zoning.

Commissioner King moved to adopt the resolution of consistency as presented. Vice Chair Frost seconded and the motion passed 5-2 as follows:

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

NOES: Commissioners Fryar and Belcher

Commissioners Belcher and Fryar said they were concerned about accommodating the property owner that needed the zoning change.

Commissioner Jones moved to adopt the ordinance as presented. Commissioner Frost seconded and the motion passed 5-2 as follows:

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

NOES: Commissioners Fryar and Belcher

- **Economic Development Incentive for Wicked Week Brewing LLC**

Mike Frue, Senior Staff Attorney, said that this incentive involved the sale of the spec building which was appraised for \$1.5 million and would sell for \$1.3 million (which the tax office agreed was fair market value). Wicked Weed's expansion would bring 75 new jobs before 2018 at \$32,000 per year. The County would invest \$74,925 for the economic development incentive as outlined in the documents attached to the minutes.

Rick Guthy, Wicked Weed owner, said that he started the company over 2 years ago with partners that wanted to expand the business here and would put \$1.3 million into the building to get it ready for use.

The Chairman opened the public hearing at 5:49 p.m.

Jerry Rice said he lived in Enka/Candler and wanted clarification on when the property was purchased by the County. He wanted to know if there had been an environmental impact statement done on the property and felt the wages were too low to qualify for an incentive.

Mr. Frue said that the spec building had been constructed 6 or 7 years ago privately as part of a Chamber of Commerce request for more development product. He said that he was not aware of any environmental study on this particular property.

The Chairman closed the hearing at 5:54 p.m.

Commissioner Newman and the Chairman moved to approve the economic development incentive as presented. Commissioner Frost seconded and the motion passed 6-1 with Commissioner Belcher voting

no. (Commissioner Belcher said he voted against this incentive because of the beer and alcohol production on this location near a future school).

## **NEW BUSINESS**

- **Joint Letter Endorsing Tourism Product Development Projects**

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

- **Affordable Housing Model to Serve Workforce and hard to Place Populations**

Mandy Stone, Assistant County Manager/HHS Director, introduced the partners that worked hard to make this housing model at Oak Hill Commons possible. Her power point is attached to the minutes. There would be 75 apartments surrounded by a cemetery and a railroad. This was part of the City/County plan to end homelessness. She asked the County to authorize up to \$325,000 in existing housing funds in the current budget for this project.

Commissioner Jones moved to approve the funding of this project as requested. Commissioner Frost seconded and the motion passed 7-0.

- **Resolution Directing the County Attorney to Take Actions necessary for Reimbursement of Public Funds Expended to Mitigate Threats and Take Remedial Actions**

The County Manager gave the history of the actions taken and funds spent on the CTS site. She said that the County had spent over \$2 million to help the owners in this area get clean water and CTS and current owners should participate in these costs. She asked the Board to approve the resolution.

The Chairman moved to adopt the resolution. Commissioner Belcher seconded and the motion passed 7-0.

## **BOARD APPOINTMENTS**

Commissioner Jones moved to appoint **Christopher Bradford** to the **Industrial Facilities and Pollution Control Financing Authority**. The motion passed 7-0.

Vice Chair Frost moved to appoint **Loring McIntyre** to the **Agriculture Advisory Board**. The motion passed 7-0.

Commissioner Fryar moved to appoint **Angie Pittman** to the **Asheville Buncombe Homeless Initiative**. The motion passed 7-0.

Commissioner Belcher moved to appoint **Donald Streb, Claudia Sherry** to the **Adult Care Home Community Advisory Board**. The motion passed 7-0.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *The next regular meeting of the Board will be October 21, 2014 beginning at 4:30 p.m.*
- *Commission meetings can be seen on:*
  - *BCTV Charter Cable Channel 192*
  - *AT&T U-Verse Channel 99*
  - *Live on BCTV Channel 192 and on buncombecounty.org during the meetings or*
  - *Online anytime at buncombecounty.org*

Commissioner Belcher moved to go into closed session pursuant to NCGS 143-318.11a (4) (6) to consider an economic development incentive and a personnel issue. Commissioner Fryar seconded and the motion passed 7-0.

## **CLOSED SESSION**

The County Manager reported on the status of a possible economic development incentive. No action was taken.

Jon Creighton, Assistant County Manager, reported on a possible incentive for an existing industry making a \$175 to \$190 million investment and bringing 400 jobs. The Board gave consensus to offer the appropriate incentive.

Mandy Stone, Assistant County Manager reported on the status of an employee. No action was taken.

Vice Chair Frost moved to go into open session. Commissioner Jones seconded and the motion assed 7-0.

Vice Chair Frost moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 7-0 The meeting was adjourned at 6:55 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS