

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF DECEMBER 7, 2010 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on December 7, 2010, 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 Vice Chairman called the meeting to order with the following members present:

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

Staff present were: Wanda Greene, County Manager; 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**

Chairman Gantt 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 November 16, 2010 Regular Meeting**
- **Resolution Authorizing the County Manager to Enter Into a Sublease of Property with the Asheville Youth Rowing Association at Lake Julian Park**
- **Resolution conveying the Old Buncombe County Animal Shelter on Lees Creek road to County Board of Education**
- **Resolution Authorizing the Execution of a Contract for Architectural Services Related to Third Floor Renovations at 200 College Street**
- **Resolution Requesting an Update o Buncombe County's Community Transportation Service Plan for Mountain Mobility**
- **Resolution Granting Easement to Carolina Power and Light d/b/a Progress Energy Carolinas, Inc.**
- **Capital Projects Ordinance**
- **Budget Amendment: Fund 10 – Detention Center (\$65,000); Soil and Water Conservation (\$1,500)**
- **Release Report**

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

## **GOOD NEWS**

- **Library Project Receives NC Humanities Council Attention**

Ed Sheary, Library Director, said that the project that Karen Loughmiller put together at the West Branch Library with a group of people to discuss the pre-integration days led to a North Carolina Humanities Council grant that allowed an expansion of the program. For the first time a local program was featured in the Humanities Council publication "Crossroads". The issue was exclusively focused on this program.

Dewayne Barton, President of Burton Street Community Association said that his grandfather lived on Smith Mill Creek and his family has a long history in Asheville. He felt this was the success of this project was a result of a community working successfully together to look back and forward.

Prucilla Gree thanked and all those involved in the project. She applauded the project because it brought to light the history of urban development in the neighborhoods and the communities of people who felt they did not have a voice in their City.

Karen Loughmiller, County Librarian, said that the entire project has shown that there is a tremendous depth to the community who want to work together and create a sustainable future just as they did years ago.

## **PUBLIC HEARING**

- **Rezoning Request : David Day -- R-1 to NS**

Debbie Truempy, County Planner, said that David Day has applied to rezone a 1.39 acre parcel at 872 New Leicester Highway from R-1 to NS. The request was approved by the Planning Staff and Planning Board held a public hearing and approve the rezoning unanimously. It would be in compliance with the land use plan and would not be detrimental to the surrounding community.

The Chairman opened the public hearing at 4:49 p.m.

David Day spoke in favor of his request.

The public hearing was closed at 4:52 p..m.

Commissioner Stanley moved to approve the request. Commissioner Peterson seconded the motion and it passed 5-0.

- **Recovery Zone Facility Bonds Series 2010 (Ingles Markets Project)**

Mike Frue, County Attorney, said that other projects had received funds and that Ingles had requested \$99 million to expand their freezer and warehouse. No State or County money is included in the funds but the Board is required as part of the recovery zone bonds to approve the plan. This Board's approval would then lead to a meeting of the Industrial Facilities and Pollution Control Financing Authority meeting and then approval by the Local Government Commission. The recovery bonds allow for a lower interest rate for the loan.

Ron Freeman, Chief Financial Officer for Ingles, said that this project will double the size of the distribution facility and will add 150 jobs. The project will take 14 months to build and should be complete by the end of 2012. This \$99 million investment will also result in increased tax revenue to the County. They have 39 stores and 3,200 employees in Buncombe County.

The Chairman opened the public hearing at 4:59 p.m.

Commissioner Bailey said Ray Denny and Ben Teague of the Economic Development Coalition have worked with Ingles to help make this happen.

The hearing was closed at 5:01 p.m.

Commissioner Bailey moved to approve the recovery zone bond request as presented. Vice

Chairman Stanley seconded and the motion passed 5-0.

## **NEW BUSINESS**

- **Election of Vice Chairman**

Commissioner Peterson nominated Bill Stanley to remain Vice Chairman for 2011.

Commissioner Bailey seconded this nomination. The motion passed 5-0.

- **Ordinance Amending Chapter 6 Animals of the County Code**

Mike Frue, County Attorney, said that this change in the animal control ordinance is a change to the latest revision in the animal ordinance regarding a provision that was deleted. He said that concerned citizens have asked that that provision, as outlined in the Ordinance presented, be returned to the ordinance.

Sheriff Van Duncan said that his concern was that the ordinance was explained to community groups with the provision included.

Steward David said that he was in favor of keeping the section out of the ordinance and not putting it back in. He felt that failure to spay and neuter is a problem and the ordinance should not be changed to require an additional violation in order to enforce the spay and neuter law. He wanted the law to remain in the ordinance.

Commissioner Jones said that there are processes in place to significantly reduce the number of animals euthanized. She said that the reinstatement of the provision is a good compromise for all people who are interested in the well being of animals. She moved to approve the ordinance as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Economic Development Coalition Resolution**

- **EDC Bylaws**
- **Appointments – Economic Development Coalition Members**

Wanda Greene, County Manager, said the Economic Development Coalition is being revised and set up as a Commissioner appointed board. The Board would be reappointed and reconstituted per the bylaws and resolution attached.

Commissioner Peterson said that it is important to bring everyone together and moved to approve the resolution and bylaws as presented. Commissioner Bailey seconded and the motion passed 5-0.

Commissioner Bailey moved to approve the list of appointees as follows:

5 recommended by the County Commissioners

K. Ray Bailey, Commissioner for	3 years
Rick Guthy, CPU2 for	3 years
Jim Oliver, AVL Technologies	2 years
Jeff Powers, Thermo Fisher	2 years
Julie Herron, Percision Products	1 year

3 recommended by Chamber of Commerce

Rick Lutovsky, retired Chamber	3 years
John Smith, Progress Energy	2 years
Paul Szurek, Biltmore Forest	1 year

1 recommended by the City of Asheville

Terry Bellamy, Mayor	1 year
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Commissioner Peterson seconded the motion and thanked Commissioner Bailey for bringing his expertise as President of A-B Tech to work as the Chairman of the Economic Development Coalition. The motion passed 5-0.

- **Designation of Voting Delegate to NC Legislative Goals Conference (Jan 20-21)**

Commissioner Peterson nominated Vice Chairman Stanley as the voting delegate to the NC Legislative Goals Conference in Raleigh in January. Commissioner Bailey seconded and the motion passed 5-0.

## **BOARD APPOINTMENTS**

Commissioner Bailey moved to appoint **Joe Brumit** to the **Asheville Buncombe Technical Community College Board of Trustees**. Commissioner Peterson seconded and the motion passed 5-9.

Commissioner Peterson moved to appoint **Linda Brown** to the **Abandoned Cemeteries Board of Trustees**. Commissioner Bailey seconded and the motion passed 5-0.

Vice Chairman Stanley moved to appoint **Nathaniel Cannady** as a member of the **Asheville Planning and Zoning Commission**. Commissioner Peterson seconded and the motion passed 5-0.

## **ANNOUNCEMENTS**

*The Chairman made the following announcements:*

- *The next meeting of the Board will be January 4, 2010.*
- *The Board will hold a retreat on December 14 beginning at Noon in the County Training Rom at 199 College Street in downtown Asheville*

## **PUBLIC COMMENT**

Ron Houston from Weaverville asked to have an old mobile home removed from his property.

Robert Geolia from Jupiter Road said that his road is maintained by the neighborhood and garbage trucks are way to heavy and damaging the roads by grinding the pavement up. He asked the Board to help solve his problem by having Wastepro (garbage franchised hauler) send a smaller truck into his neighborhood. The Chairman suggested that Mr. Geolie work directly with local manager of Wastepro.

Nadine Denahl, member of the PTO of the North Buncombe school district shared her concern over the state budget cuts and the possibility that the schools would be losing teachers and support positions. She asked the Board to help keep the county schools funded at the existing level.

Jerry Rice asked the difference in a commission and a coalition and wanted to know the amount of money going to the Economic Development Coalition and their relationship to the chamber and the Tourism Development Authority?

The Chairman asked that the County Manager answer Mr. Rice's questions in writing.

Commissioner Peterson moved to adjourn the meeting. Commissioner Stanley seconded and the motion passed 5-0. The meeting was adjourned at 5:41 p.m.

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KATHY HUGHES, CLERK TO  
THE BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS