

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF OCTOBER 18, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on October 18, 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
Carol Peterson, Commissioner

K Ray Bailey, Commissioner, was out of town on an economic development matter.

Staff present were: 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

Commissioner Jones 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.

The County Attorney advised the Board that due to the EPA's recent actions, Mills Gap Road Associates had asked to continue the quasi-judicial hearing regarding the appeal by MGRA of the condemnation of the old CTS building by the County. The Board agreed to remove this from the agenda and hold this hearing on November 1.

The County Attorney advised the Board that this hearing would be a quasi-judicial hearing on November 1 and that the Board could not talk or communicate about that matter and no public comment should be taken regarding the issue. At the hearing on November 1, there will be no public comment taken regarding this issue until after the decision is made. In order to avoid legal conflict, no public comment will be taken on this issue at this meeting.

Vice Chairman Stanley moved to approve the consent agenda as presented:

- **Approval of Minutes of October 4, 2011 Meeting**
- **Grant Projects Ordinance**
- **School Capital Commission Fund Projects Ordinance**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Resolution Authorizing the Chairman to Execute Quitclaim Deed**
- **Release Report**

Commissioner Peterson seconded the motion and it passed 4-0.

GOOD NEWS

- **WNC Regional Livestock Center Update**

Commissioner Peterson introduced L. T. Ward with WNC Communities as the person who was instrumental in locating the new livestock market in our area.

Mr. Ward said that WNC Communities and their history of working within the community allowed them to network leaders to put together the structure for the livestock center. They raised \$3 million to make the 60 acre location in Haywood County with barn, arena, educational and office space possible. He said that the center has been very successful and has increased profits for family farmers with a conservative economic impact to the community at \$9 million so far. The center received the Innovation Award from the National Association of Development Organizations.

PUBLIC HEARING

- **Ordinance Amending Chapter 78 of the Buncombe County Code Zoning**

Debbie Truempy, County Planner, reviewed the administrative changes to the zoning ordinance that are outlined in the power point attached to the minutes of this meeting. She said that the Planning Board held a hearing on October 3, received no comments and approved the requested changes.

The Chairman opened the public hearing at 4:57 p.m.

Don Yelton asked how many projects already approved would have been impacted by these changes.

Jerry Rice commented on the AB Tech parking lot from the railroad roundhouse and how it might have been impacted by these changes.

The Chairman closed the hearing at 5:02 p.m.

Commissioner Peterson moved to approve the ordinance amendment as presented. Vice Chairman Stanley seconded and the motion passed 4-0.

NEW BUSINESS

- **Asheville Buncombe Youth Soccer Association Lease**

Fran Thigpen, Director of the County's Parks, Greenways, and Recreation Services Department, said that they had been working with Asheville Buncombe Youth Soccer Association (ABYSA) on their leasing of the fields.

Mike Rottjakob, Director of ABYSA gave the Board an update on their work with soccer in the County. His powerpoint is attached to the minutes of this meeting.

Ms. Thigpen said that the lease agreement would be a partnership with ABYSA that would help preserve the County's sports park. She said that natural grass practice field, known as field 8 would remain open to anyone. The proposed lease of the sports park would meet the needs of competitive and tournament competition on the 7 regulation fields which require the investment in labor, supplies and maintenance. This would be similar to the use agreements with the baseball leagues that have been operating at County parks for several years.

Commissioner Jones said that this is a win/win for the County and ABYSA. She clarified that for citizens that are not part of ABYSA, field 8 would still be accessible for unstructured play.

Mr. Rottjakob said that use of fields will be based on times of year, field condition and tournament scheduled. He said that they will work with County Parks to work out the use agreements for public play.

Commissioner Jones suggested that the savings expected from this lease this year be used for improvements to field 8.

Commissioner Peterson moved to approve the lease as presented. Commissioner Jones seconded the motion and it passed 4-0.

ANNOUNCEMENTS

The Vice Chairman made the following announcements:

- *The next meeting of the Board will be November 1, 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

Jerry Rice commented on the soccer lease and possible environmental issues at the old Enka plant.

Mike Fryer spoke regarding the AB Tech referendum and issues with Dr. Dunn.

Fred English spoke against President Obama.

Christopher Chiaromonte commented on the Occupy Asheville group.

Don Yelton gave his opinion of public comment.

Lisa Landis spoke regarding the Occupy Asheville group.

Aldajan Cain commented on censorship.

Erin Penland attempted to comment on the CTS issue. *He was informed of the instructions given at the beginning of the meeting and comment on CTS was not allowed.*

Commissioner Peterson moved to adjourn the meeting. Vice Chairman Stanley seconded the motion and it passed 4-0. The meeting was adjourned at 5:56 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS