Agenda for  
Buncombe County Planning Board  
September 18, 2023, at 9:30 a.m.  
Public Meeting will be at 30 Valley St. Asheville, NC  28801

• Call to Order
• Announcements - Nancy Waldrop
• Roll Call of Board Members
• Approval of Agenda
• Approval of Minutes – August 21, 2023
• Discussion of Planning Board Procedures – Discussion of proposed Planning Board Procedures for the Buncombe County Planning Board (Curt Euler, Senior Attorney II)
• Public Comment
• Adjourn
Buncombe County Planning Board
August 21, 2023
Minutes

The Buncombe County Planning Board met on August 21, 2023, at 30 Valley St., Asheville, NC 28801

Planning Board members present were Nancy Waldrop, Tim Collins, Mike Fisher, Ken Kahn and Anthony Coxie.

Also present were Shannon Capezzali, Haylee Madfis and Terri Rogers Planning Staff, Nathan Pennington, Planning Director and Curt Euler, County Attorney.

Call to Order
Chair Ms. Waldrop called the meeting to order at 9:33 A.M.

Announcements
None

Roll Call of Board Members
Complete.

Approval of Agenda
Mr. Coxie made a motion to approve the agenda as submitted. The motion was seconded by Mr. Collins and passed unanimously.

Approval of Minutes (April 17, 2023)
Mr. Coxie made a motion to approve the July 17, 2023, meeting minutes. The motion was seconded by Mr. Kahn and passed unanimously.

Discussion of Planning Board Procedures

Mr. Euler, County Attorney shared with the board with draft Planning Board Operating Procedures and noted they may need an update or at least a review per NCGS 160D-308.

160D-308. Rules of procedure.
Rules of procedure that are consistent with the provisions of this Chapter may be adopted by the governing board for any or all boards created under this Article. In the absence of action by the governing board, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the local government clerk or such other official as designated by ordinance and posted on the local government Web site if one exists. Each board shall keep minutes of its proceedings. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Mr. Robinson asked if there are term limits and Mr. Euler said that is does not seem like there are limits but can do more research. As of now there are 3-year terms. Members used to be chosen by School Districts in the past but that has changed. Mr. Fisher stated he used to be on the Crime Stoppers Board, and they had no limits on that one.
A quorum is 5 for this board and the question was asked if someone could vote by Proxy.

Ms. Waldrop mentioned that the Board of Adjustment has alternative members but that is something our board does not have.

Mr. Euler said the Planning Board ordinance is under the County Ordinances that have not been updated since 1993. He does not see that the Planning Board can’t do that, but the board is in fact going to consist of 9 members with 5 being a quorum and terms are all set by County Ordinances. Basically, the GS160D states what the board responsibilities are, but the terms and amount or members, agendas and how to call special meetings are determined by the County. In fact, the meetings should have a quorum for the beginning of the meeting and if a member must leave early before a close of a meeting, then that needs to be shared at the beginning of the meeting and a motion made to approve that excuse to leave.

Mr. Coxie shared that he had to leave early today due to a court appointment, a motion was made by Mr. Coxie to be excused Mr. Collins seconded that motion. All were in favor of the motion and Mr. Coxie was excused.

Mr. Pennington made note that the vote or assignment of Chair, Co-Chair and so forth are generally done at the beginning of the fiscal year. Term limits are also something to determine. This review of the procedures will be brought back to the members at a future meeting to make official changes or updates.

**Subdivision Application Update**

Ms. Capezzali gave a subdivision update from March 2023 to present. There are 9 total subdivisions in this update. She indicated that they have 4 in review currently, 4 have been given preliminary approval, and 1 on hold. The smallest is a three-lot minor subdivision and largest is an 84-lot subdivision. The continuing trend is smaller subdivisions and fewer lots.

Mr. Coxie was in a class recently and heard from planners in other counties that they are requiring median income or lower income housing into some of those subdivisions and wonders if that is something our county is doing.

Ms. Capezzali said that we currently do not do that. Mr. Pennington stated there could be a conditional zoning component in the future with this because of the comprehensive plan that recently passed. That topic is also part of Affordable Housing. Ms. Capezzali Community Oriented Development program which is an incentive that will give benefits to the developer.

Mr. Kahn asked what the difference was between workforce housing and affordable housing? Ms. Capezzali said that generally it goes along with HUD and general area median income guidelines for determination.

Ms. Waldrop asked about Pleasant Grove subdivision. Ms. Capezzali said that is the one up closest to Weaverville and possibly annexing into Weaverville.
**Public Comment**
Stepanie Chow spoke about her pet waste business, and her issues with brining her site into compliance with County Ordinances.

Dee Dee Styles spoke about water and resources that are being used here and how we are going to be out of water with all the new developments moving in the area.

**Adjourn**
Mr. Collins made a motion to adjourn the meeting at 10:25 am. Mr. Kahn seconded the motion and the motion passed unanimously.
Operating Procedures for the Buncombe County Planning Board

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<tr>
<th>Countywide or</th>
<th>Department: Planning &amp; Development</th>
<th>Division: Board</th>
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<tr>
<td>Supersedes:</td>
<td>N/A</td>
<td>Effective Date: 8/21/2023</td>
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<tr>
<td>Authority:</td>
<td>N.C. Gen. Stat. § 160D-308</td>
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<td>Originating Department: Planning and Development</td>
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I. **Purpose:** To establish the general operating procedures for Buncombe County Planning Board in compliance with state law and county regulations.

II. **Procedure Statement:**

A. **Name and Office**

The name of this organization is the Buncombe County Planning Board (hereinafter “Board”). The principal office of the Board is located at the Buncombe County Planning & Development Department 46 Valley Street, Asheville, NC 28801.

B. **Membership**

The Board shall be composed of nine (9) members appointed by the Buncombe County Board of Commissioners. All members of the Board shall be residents of Buncombe County.

C. **Terms**

Planning Board members may serve three (3) year terms and may be reappointed by the Buncombe County Board of Commissioners. There are no term limits.
D. Officers

1. Chair and Vice-Chair

The Board members shall elect a Chair and Vice-Chair by majority vote each year at the first full meeting of the Board each fiscal year.

2. Secretary

The Planning and Development Director shall serve as Secretary to the Board, but the Secretary is not a member of the Board. The Planning and Development director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate Planning and Development Department employee.

E. Board Meetings

1. Regular Schedules

   The Board shall hold a regular meeting on the third Monday of each month. The meeting shall be held in the Board Room located at 30 Valley Street, Asheville, NC 28801. Meeting date, location and time shall be posted on the county website and public notice shall be given prior to each meeting.

2. Special Meetings

   a) The Chair or three of the members of the Board may at any time call a special meeting of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chair and all the Board members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the principal bulletin board of the Board or at the door of its usual meeting room or on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

   b) If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to
inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. Agenda

The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any individual or group who wishes to have an item of business placed on the agenda shall make a request to be on the agenda to the Secretary no later than two (2) weeks prior to the next scheduled meeting. The request must be in writing and must state the nature of the matter. The final agenda for each meeting will be approved by the Chair and the Planning and Development Director.

4. Presiding Officer

The Chair of the Board shall preside at Board meetings if they are present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member of Board designated by a majority vote of members present at the meeting shall preside. The Chair shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order a motion patently offered for obstructive or dilatory purposes.
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground.
- To call a brief recess at any time.
- To adjourn in an emergency.

5. Attendance

Regular attendance is critical to the success of the Board’s business and purpose. All appointed Board members are expected to attend a minimum of 75% of all regular scheduled meetings each year. Failure to meet this attendance requirement may result in a recommendation by the Board and/or the Secretary to the Board of Commissioners that the Board Member be removed.

6. Quorum
A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

7. Voting

- No vote may be taken without a quorum being present.
- Upon good cause shown, and with the general consent of the members present, a member may make an appearance at a regular meeting by telephone and vote on any matter coming before the Board at such meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum.

8. Minutes

The Secretary shall prepare minutes of each Board meeting. Copies of the minutes shall be made available to each Board member before the next regular Board meeting. At each regular meeting, the Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Board meeting minutes at the Planning and Development Department, 46 Valley Street, Asheville, NC 28801. The minutes are also available on the Buncombe County website.

9. Public Comment Period

- The Secretary to the Board shall include a public comment period following new business at every regular meeting.
- The time limit for any individual or representative addressing the Board shall be three minutes, unless a majority of the Board agrees to additional time. A group which is represented by at least 8 people in the audience may elect one representative to speak and 10 minutes of time can be awarded that representative if at least 8 people in the audience relinquish any rights to speak on the issue.
- Each speaker during the public comment period shall be limited to one appearance at each regular meeting of the Board and the Board
reserves the right to deny any public addresses on a subject previously presented to the Board.

- The Board is not expected to comment on matters brought to the Board during public comment, but should delay action or comment until staff has had an opportunity to research the subject matter and to report necessary and relevant information to all Board members.
- Any individual speaking during public comment shall only address the entire Board and any polling of the Board is inappropriate for public comment.
- Persons addressing the Board are expected to observe the decorum of the Chamber, to be respectful of the Board and the public, to refrain from the use of profanity or foul language and to refrain from making disclosures prohibited by the Personnel Act with respect to any County employee.
- The Chairperson may rule out of order any comments made during this part of the agenda that are rude, inappropriate, or intended to harass any person or group of people or that are not addressed to the entire Board and is authorized to take reasonable and appropriate measures to ensure compliance with these rules.

F. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

G. Other Procedural Matters

1. Action by the Board

   a) The Board shall proceed by motion. Any member, including the Chair, may make a motion.

   b) All motions require a second before the motion can be discussed.

   c) A member may make only one motion at a time.
d) A substantive motion is out of order while another substantive motion is pending.

e) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

f) The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to these general principles:

i. The introducer (the member who makes the motion) is entitled to speak first;

ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;

iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. All motions require a second before the motion can be discussed. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

3. In order of priority (if applicable), the procedural motions are:

a) To Adjourn. The motion may be made at any time by a member of the Board and would require a majority vote.

b) To Take a Recess.

c) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived.

d) To Suspend the Rules. The motion requires a vote to equal a quorum.

e) To Divide a Complex Motion and consider it by Paragraph.

f) To Defer Consideration. A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

g) Call of Previous Question. The motion is not in order until every member of the Board has had at least one opportunity to speak.

h) To Postpone to a Certain Time or Day.

i) To Refer to a Committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure
by the entire Board, regardless of whether the committee has reported the matter back to the Board.

j) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motions, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chair.

k) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.

l) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.

m) **To Rescind or Repeal.**

n) **To Ratify.**

o) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months.

p) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

q) **Withdrawal of Motion.** A motion may be withdrawn by the introducer at any time before a vote.

r) **Duty to Vote.** Once a meeting has been convened, every member, including the Chair, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. The Board may excuse a member from voting, but only upon questions involving his own financial interest or his official conduct or on matters on which the member is prohibited from voting under NCGS §14-234. For purposes of this rule, the question of the compensation and allowances of members of the Board does not involve a member’s own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

H. **Compliance with North Carolina Law**
In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public record laws, and the laws setting forth the powers and duties of local planning boards. To assist the Board in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Board members on request.

III. Reference to Robert’s Rules of Order:

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert’s Rules of Order for unresolved procedural questions.