

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled February meeting on Wednesday, February 27, 2008, at 4:00 p.m. in the Board of Commissioners Meeting Room, 100 N. King Street, Hendersonville, North Carolina. Those present were: Dean Bonessi, Chairman, Jim Phelps, Vice-chairman, Jim Crafton, Tony Engel, Tedd Pearce, Alternate Board Member, Secretary to the Board Karen Ann Antonucci, and Associate County Attorney Sarah Zambon and Zoning Administrator Toby Linville. Ann Pouch arrived at the meeting at 4:30 PM.

Chairman Bonessi called the meeting to order at 4:06 PM. Chairman Bonessi welcomed everyone and introduced the Board to the new Alternate Board Member, Tedd Pearce.

Chairman Bonessi asked the Board if they noted any corrections to the January 30th, 2008 minutes. There were no changes or corrections noted. Chairman Bonessi moved the minutes be accepted. Jim Phelps made a motion to accept and approve the minutes. Tedd Pearce seconded. All Board members were in favor of approving the minutes.

Old Business.

Chairman Bonessi asked the Board to review the 2/27/08 draft bylaws.

Associate County Attorney Sarah Zambon had prepared a second draft of bylaws, reflecting changes noted at the January 30 meeting.

Tedd Pearce had a procedural question on where the Alternate Board members sit if the dais is full. Zoning Administrator Toby Linville said if the dais is full, the extra Alternate would sit in the audience.

Tedd Pearce suggested structuring the Zoning Board like the Henderson County Planning Board, but Chairman Bonessi noted the Zoning Board has more general statutes on issues with the 4/5th vote.

Jim Phelps said it would be meaningful to encourage the Alternate to be there for all meetings. He stated that if the 5 Regular Board members vote on anything the Alternates can have comments only.

Chairman Bonessi said he feels the issue is around general statute issues with the 4/5th vote requirement and what kind of problem that creates.

Chairman Bonessi said to put the Alternate rules under Page 2, Section V., B. – Alternate Members.

Jim Crafton said he understands that according to the statutes only 5 Regular Board members can vote in quasi judicial proceedings. He asked if there were any other non-rulings the Zoning Board would not need to vote on.

Associate County Attorney Sarah Zambon said areas that Alternates could vote on could be administrative issues such as, by-laws, workshops and public nuisance issues. Anything not quasi-judicial.

Jim Crafton said the Board has had a number of discussions trying to decide how better to involve Alternates so that (1) they can step up to the plate when called upon and (2) they feel included and a part of the program.

Jim Phelps and Tedd Pearce had a discussion on how the Board might encourage the Alternates to participate and come to more meetings.

Associate County Attorney Sarah Zambon suggested possible wording for the Alternate Board members on attendance and voting.

Jim Phelps said what had been discussed was to have a regularly scheduled Alternate and one other Alternate so that there would be enough to have 5 full members at any meeting in case somebody doesn't show. He felt that with the 4/5th requirement with even 10 members on the Board there would still need to have 8 to vote and whoever was appearing before the Zoning Board would have to get a unanimous 8 vote.

Chairman Bonessi cited Page 3, Section VI., C – Attendance. There was a discussion pertaining to Regular Board members and attendance.

Jim Crafton suggested possible wording on the last sentence concerning Alternate members could be, “who fail to attend meetings when they are scheduled will also be reported to the Henderson County Board of Commissioners.”

Tedd Pearce suggested the sentence that reads, “Any regular members who fails to regularly attend the meetings of the Board will be reported to the Henderson County Board of Commissioners” – be changed to “may be”.

Associate County Attorney Sarah Zambon suggested that ‘unexcused absences’ be included in the wording. She suggested that “three unexcused absences within a 12 month period for Regular Board members and for Alternates that are scheduled” be added to clarify the policy.

Jim Crafton cited Page 1, Section IV., C – Public Input – He felt the wording may need to be changed to: ‘be’ a three (3) minute time limit per speaker not ‘may be’.

Associate County Attorney Sarah Zambon reminded him that the Chairman has discretion to choose the time limits. She also noted that under quasi judicial ruling, comments that are repetitive and redundant can be limited.

Jim Crafton noted that on Page 2, Section V., B – Alternate Members – that there needed to have some of the words spelled correctly.

Jim Phelps cited Page 3, Section VII. – Rules of Conduct. He created and submitted a draft proposal of Meeting Rules of Order. The rules he submitted were a reiteration of Robert’s Rules of Order from several editions. They are based on conducting the meetings in a less formal manner. He suggested the Board put the suggested Meeting Rules of Order in the bylaws instead of making them an attachment.

Chairman Bonessi asked for opinions from the Board.

Ann Pouch, Jim Phelps and Tedd Pearce had a brief discussion on the matter and the Board agreed that the draft Meeting Rules of Order submitted by Jim Phelps should be in the body of the bylaws and not an attachment.

New Business.

Chairman Bonessi talked about the February 7th Regional Board of Adjustment Workshop at AB Tech in Enka. Dean Bonessi, Ann Pouch, Jim Crafton, Jim Phelps, Zoning Administrator Toby Linville and Secretary to the Board Karen Ann Antonucci attended the workshop.

Material from the workshop was given to Tony Engel and Tedd Pearce for review. Eric Goodman and Janice Brown will also be given the training material.

Zoning Administrator Toby Linville told the Board more workshops would be scheduled and he would let the Board know about them. He also told the Board he would order the School of Government Guide for Board of Adjustment books for them.

There being no further comments or business, Chairman Bonessi made a motion to adjourn the meeting. Jim Phelps offered a first and Jim Crafton seconded the motion. The meeting was adjourned at 4:58 p.m. The next meeting will be on Wednesday, March 26, 2008 at 4:00 p.m.

Dean Bonessi, Chairman

Karen Ann Antonucci, Secretary