

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MARCH 3, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on March 3, 2009, in the Commissioner Chambers, Room 204 of the Courthouse 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:

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

Chairman David Gantt was out of the Country.

Staff present were: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager; Jon Creighton, Assistant County Manager; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, Assistant County Attorney; Joe Connolly, County Attorney.

CALL TO ORDER

PLEDGE OF ALEGIENCE -- The Pledge was led by Boy Scouts from Troup 75 in Fairview

INVOCATION

Dr. Pete Peery, President of Montreat Conference Center, gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Vice 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 stated.

Commissioner Peterson moved to approve the consent agenda as presented.

- Approval of Minutes of February 17, 2009 Regular meeting
- Approval of County Employee Merchant Services Card Policies and Procedures
- Ordinance Amending Article II, Division 1, Chapter 62, "Solid Waste Management" of the Buncombe County Code
- Ordinance Amending Chapter 78, Article VI of the Buncombe County Zoning Ordinance, Buncombe County Code (Second Reading)
- Approval of Tax Exempt Loan for Fairview Volunteer Fire Department and Reynolds Volunteer Fire Department
- Resolution Designating Engineering Firm to Complete Installation of Storm Water System
- Road Petition: Drakes Meadow Lane
- Budget Amendment:
 - Health Center Grant Funds: Project Access; Immunizations; Family Planning; School Based Health Centers
 - Youth Services
 - Fleet Maintenance
- School Capital Commission Fund Project Ordinance
- Grant Project Ordinance
- School Bond Fund Project Ordinance

Commissioner Bailey seconded and the motion passed 4-0.

PUBLIC HEARING

- **FY 2010 Community Transportation Program Grant**
 - Resolution Authorizing the Chairman to Execute an Application for Community Transportation Program Funding, Enter Into Agreement with the NCDOT, and to Provide the Necessary Assurances

The Vice Chairman opened the public hearing at 4:36 p.m.

Lori Hembree, County Planner, stated the need for this public hearing as a requirement of the grant application process. She said they was applying for state funds for administration and capital costs. The capital funds requested are to provide four lift-equipped replacement vehicles and a small bus for community service routes.

Commissioner Jones asked if the expansion vehicles will cause additional operating costs. Ms. Hembree said that the extra vehicles will use existing drivers and will be replacement vehicles for North Buncombe Trail Blazer route. Denise Braine, County Planner, said that the expansion vehicle will provide services that are existing.

Jerry Rice asked if this service could be used for people that are not disabled and could be expanded with longer routes. Denise Braine, County Planner, said that Mountain Mobility coordinates about 600 trips per day for elderly, disabled and the general public and will continue to try and coordinate all services provided with Asheville Transit while looking at new innovative options.

The public hearing was closed at 4:40 p.m.

Commissioner Peterson moved to approve the ***Resolution Authorizing the Chairman to Execute an Application for community Transportation Program Funding and to Enter into an Agreement with the NCDOT and to Provide the Necessary Assurances.*** Commissioner Bailey seconded and the motion passed 4-0.

Proclamations

- **Great Smoky Mountain National Park 2009 Celebration**

Bob Miller, General Manager of the Great Smoky Mountain National Park, said that 2009 was the 75th Anniversary of the Great Smoky Mountain National Park. He gave some history of the park stating that it was established on June 15, 1934 and was a grass roots park idea. The citizens raised the money to buy the park and donated it to the federal government. He said that they planed to make this year a thank you to all the families that made the park possible. He outlined several events that would be coming up during the year.

NEW BUSINESS

- **Indigent Care Plan Options (Mandy Stone, Assistant County Manager)**

The Vice Chairman read a statement from Chairman David Gantt:

"I am certain that a conflict exists here. My your wife's employment in the Health Center Pharmacy creates both an actual and perceived conflict of interest under the ethical rules of the Commission. Based on this conflict of interest, I do not think I should participate in any debate or

vote on any proposal to change the delivery of health care services involving the Health Center. Since I have an actual conflict, I am OK to be absent at meeting this is decided. Thanks so much."

Mandy Stone, Assistant County Manager, gave a power point that is attached to the minutes of this meeting. She said that the County must support mandated or core services and that the human service departments are responsible to the taxpayer and to the citizens for which services are provided. This Board endorsed the investigation of ways to improve access to care and as a result staff has done a financial analysis of the health center operation and found that health center services are more expensive than the services provided by an average health provider. This is caused by physician compensation; support staff ratio; pharmacy services and laboratory services. All these aspects cause the costs to rise as well as the fact that the County pays \$1.2 million more than the Federal Qualified Health Center (FQHC). The County Health Center is not federally qualified. The public health department must provide certain services and assure other services. Federal dollars go to qualified health centers at a much higher rate that the County can qualify to receive. She said that the American Recovery and Reinvestment Act will invest \$2 billion in FQHC's.

She recommended that the County contract with WNC Community Health Services (WNCCHS), a FQHC. This would allow opportunity to expand capacity; leverage more non-local dollars; expand access to integrated care and enhance core public health. The contract with WNCCHS would cost the County millions less than running primary care within the County. She said that this recommendation meets the requirements set forth by the Board but will have to meet significant infrastructure challenges and a significant increase in their client base. The plan will need a transition strategy and performance-based business plan. She said existing staff would be offered employment opportunities to grow core public health functions.

Ms. Stone said that a transition and business plan must be written before a complete transition could take place within a time frame of October or middle of 2010.

Ms. Stone said that the new Health Director, Gibbie Harris, was aware of the transition proposal and was in agreement with how these services can be better delivered. The transition would effect 81 employees in the clinic but only about 15 employees will not be retained.

Commissioner Peterson said that this transition would mean the ability to see more people at a lower cost while maintaining quality of care and would be the right move for the citizens. She thanked everyone that had made this work and stated her agreement with the move forward.

Curtis Venable, Chairman of the WNCCHS Board, said that this organization grew out of an idea in 1994 that met the needs of the community and was known as the Minnie Jones Clinic. They received federal status as a qualified health clinic and see 4,000 patients a year delivering all services including pharmacy, lab, dental and mental health services. They are the only organization to deliver integrated care with a team of family practice physicians. They contract with 110 housing units under section 8. The patients that come to the Health Clinic and the ones that use WNCCHS are essentially the same.

Commissioner Jones asked about the possibility of an enhanced focus on core public health including school nurses and other non-core public health in education and prevention services. Ms. Stone said that would be the focus of the new Health Director.

The County Manager said that management staff would develop the contract and payment would be based on performance and would be reported to the Board. Commissioner Jones asked to see the contract before it is finalized. The Board of Health has endorsed this plan and are concerned about infrastructure and staff.

Don Yelton is concerned about performance based contracts that would be outsourced by this Board. He said that the contract was important and thinks the contract should be on the website.

He wants to be able to review the contract and not bank on the stimulus package. He asked about the move to the Biltmore Square Mall and how that might impact this move.

Jerry Rice asked where these services would be located and stated his concern that mental health would be displaced and why no one has mentioned this issue.

Mandy Stone said that mental health services would remain at 357 Biltmore.

Eric Gorney asked about illegal aliens and how much the County was spending on them. Ms. Stone said that there were required by law not to inquire about legal status. It is about keeping the whole of the community healthy and must allow access to everyone.

Commissioner Peterson moved to direct staff to pursue a County contract with WNCHS under Option 4 as outlined by Ms. Stone. Commissioner Jones seconded and the motion passed 4-0.

- **Conservation Easement for Hemphill Property 54 Acres in Reems Creek**

John Ager, Chairman of the Agriculture Advisory Board, said that the Hemphill family wanted to preserve their farm and are willing to donate an easement worth \$819,000 in exchange for \$50,000 grant; \$35,000 for transaction costs and the remaining \$15,000 to Southern Appalachian Conservancy for a monitoring fee.

Commissioner Peterson moved to approve the \$50,000 and this conservation easement of 54 Acres in the Reems Creek area. Commissioner Bailey seconded and the motion passed 4-0.

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **Vicky Wynn and Georgia Shannon** to the **Adult Care Home Community Advisory Committee** for a term of one year.

Commissioner Jones moved to appoint **Kelvin Anderson, Virginia Bower, Judith Hallock and Carrie McGuire** to the **Nursing Home Community Advisory Committee** for a term of one year.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be Tuesday, March 17, 2009 at 4:30 p.m. in Commission Chambers*

PUBLIC COMMENT

Eric Gorney, dressed as William Wallace, said that peasants are rising up. He said that tax department had to file 5,000 liens and that citizens are hurting in this County including himself. He wants the Commissioners to consider the following suggestions: cut the County tax rate by 5 cents to .47 cents; start the process for district elections; abolish zoning; and have open and accountable government.

Don Yelton said that he wants open government in North Carolina. He read a quote from James Madison. He wants County contracts on the website and the preservation of democracy by making government open and transparent. He said that widespread waste and fraud are in government and he does not like the consent agenda.

Jerry Rice said that the Board is not transparent because the Board would not take his suggestion to discuss an item under new business. He said that the changes in the solid waste ordinance would hurt the poor people.

Gene Hampton gave his comments in a handout that are attached to the minutes.

Bill Lack said he was born in 1930s and had lived through hard times when belts need to be tightened. He said that the County isn't tightening. He wants the budget to be cut. He wants taxes cut.

The County Manager said that the County has asked all departments to cut their budgets by 5 percent going into 2010.

Mike Fryer said that he has a problem with the City's price increases. He said that Karen Cragolin wants \$40 million for more feel good stuff. He said that bicyclists should pay taxes for their bicycles. He wants them to pay to ride and that the City should charge for bicycles as a city tax.

Brian Festal, founder of Asheville Creative music school, spoke in support of Gene Hampton's comments that are attached to the minutes. He wants an educational systems that teach universal law.

Kathy Lack said that she agreed with Eric Gorney. She said that the County was helping the Federal government move the Country down a socialist path. She wants a return to capitalism.

Kathy Rhodarmer agreed with Eric Gorney and the Lacks. She wants more local power and district elections and public comment on every issue.

Commissioner Peterson thanked Vice Chairman Stanley for acting as Chairman during the past two meetings and wished him a happy birthday on March 4.

Commissioner Peterson moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 4-0.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

BILL STANLEY, VICE CHAIRMAN
BOARD OF COMMISSIONERS