

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 3, 2010 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 3, 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 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; Jon Creighton, Assistant County Manager/Planning Director; 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

Commissioner Jones gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The 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.

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

- **Approval of Minutes of June 15, 2010 Regular Meeting**
- **Resolution Amending the Substance Abuse Policy for Mountain Mobility**
- **Resolution Authorizing the Execution of a Contract with North Carolina Department of Transportation for an Internship Grant for Mountain Mobility**
- **Resolution Authorizing the Submission of Documents and Execution of a Contract Related to the Single Family Rehabilitation Grant**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Resolution Amending Resolution 09-11-06 Appointing Plat Review Officers on Behalf of Buncombe County and the City of Asheville**
- **Resolution Donating a Surplus Vehicle to Skyland Fire and Rescue**
- **Resolution Approving Donation of Surplus Library Furniture to Mitchell County Public Library**
- **Amend the Personnel Ordinance to:**
 - **Revise the Pay Plan policy to replace the word “shall” with “may” in determining pay rates in promotion, demotion, transfer, reclassification and salary range revisions with the approval of the County Manager and/or Human Resources Director; and to include the 5th quintet within the salary schedule**
 - **Revise the Holiday and Leave Policy to allow annual leave cash conversion for up to 15 days per calendar year; Revise the Organization of Personnel System Policy to reference North Carolina General Statute 126, the State Personnel Act, as it relates to the employees of the departments of Health and Social Services.**

- **Revise the Organization of Personnel System Policy to reference North Carolina General Statute 126, the State Personnel Act, as it relates to the employees of the departments of Health and Social Services.**
- **Resolution Accepting and Approving a Report From the County Purchasing Agent Concerning the Sale and Disposal of Surplus County Property**
- **Release Report**
- **School Capital Commission Fund Project Ordinance**
- **Grant Project Ordinance**
- **Capital Project Ordinance**
- **Budget Amendments**
 - **Fund 78 Sheriff Forfeiture Funds \$13,039**
 - **Fund 71 Sheriff Forfeiture Funds \$21,192**

Commissioner Peterson seconded and the motion passed 5-0.

GOOD NEWS

- Commissioner Jones reminded everyone that the upcoming weekend was the annual tax free weekend and encouraged citizens to pick up school supplies for the foster care program.
- The Chairman introduced Mr. Curtis Euler, the new Assistant County Attorney. Mr. Euler said that he was married and father of twin boys. He has practiced in municipal law for 15 years, the last 9 years with the City of Asheville.
- **Resolution Authorizing the County Manager to Execute the Necessary Documents to Accept a Health and Wellness Trust Fund Grant**

Mandy Stone, Assistant County Manager, said that the County received a fit community's grant from the North Carolina Health and Wellness Trust Fund to construct a sidewalk linking Woodfin Elementary School to Riverside Drive. Commissioner Jones moved to approve the resolution and accept the grant. Vice Chairman Stanley seconded and the motion passed 5-0.

- **YMI Cultural Center**

Mr. Harry Harrison with YMI Cultural Center explained the Goombay Festival that would be held in Asheville on August 27 through 29. The annual festival would feature entertainment, food, crafts and culture. He thanked the Board for the support for this festival over the years.

Commissioner Peterson presented a blanket to Mr. Harrison (who accepted on behalf of the YMI Center) for their many years of work.

PROCLAMATIONS

- **Presentation of Veterans' Memorial (Walter Plaue)**

Mr. Walter Plaue member of the WNC Veterans Memorial Committee, said that the plaque he presented contained the photos of 392 Buncombe County veterans from 1948. It had been preserved and framed and he presented the plaque to the County. Vice Chairman Stanley accepted the memorial on behalf of the County stating that it would be hung in the newly renovated Pack Library to honor the soldiers who served the Country.

PUBLIC HEARING

- **Use of Rural Operating Assistance Program Funds**

Lori Hembree, County Transportation Planner, explained the need for the public hearing and

the County's eligibility and use of the Rural Operating Assistance Program Funds. She said that the hearing was part of the application process and that there had been a series of outreach meetings for transportation input.

The Chairman opened the public hearing at 4:55 p.m.

Jerry Rice asked if there is a way to have the private sector do the transportation rather than Mountain Mobility thereby transferring the grants to a private company. He said that citizens need transportation on the weekend and these funds should be used to provide that transportation.

Ms. Hembree said that Mountain Mobility runs Saturday but not on Sunday and that there are no funds for Sunday operation.

The hearing was closed at 4:58 p.m.

Vice Chairman Stanley moved to approve the **Resolution Authorizing the Submission of an Application for FY 2011 ROAP Funds**. Commissioner Peterson seconded and the motion passed 5-0.

- **Rezoning Request**

- **Jeffery Martin – PIN 9667.35.9701 and 9667.46.3165 – NS and R-3 to CS and R-3**

Debbie Truempy, County Planner, explained the request by Mr. Martin to have his property located on Charlotte Highway rezoned. Maps outlining this property and the rezoning request are attached to the minutes. The Planning Department and Planning Board recommended the approval of this rezoning finding that it was consistent with the land use plan.

Commissioner Jones questioned storm water runoff problems that could be triggered by the rezoning and the development that would result. Ms. Truempy said that the property was currently in compliance with storm water regulations and that measures had been taken by Mr. Martin to prevent further problems.

The Chairman opened the public hearing at 5:05 p.m.

Jerry Rice asked if it was required for a commercial property to have city water and sewer connections before they could operate. He said that any hotel would need these connections.

Ms. Truempy said that although it is not a requirement, city water and sewer is available at this site.

Jeffrey Martin, petitioner, said that he had just installed a catch basin for the runoff problems on this site.

Mark Morris, realtor, said that in last 3 months Mr. Martin has met all storm water requirements and leveled out the site to meet the problems of the storm water runoff.

The Chairman closed the hearing at 5:10 p.m.

Commissioner Bailey moved to approve the rezoning as requested. Vice Chairman Stanley seconded.

Commissioner Jones said that intense development should be along the corridors and this rezoning met that criteria and she was in support.

The Chairman pointed out that this would not be detrimental to the parkway view shed. The motion passed 5-0.

COUNTY MANAGER'S REPORT

The County Attorney gave an update on the Planning Board's progress on an amended subdivision ordinance with steep slope overlays. He said that zoning changes could be back to this Board on these matters in a public hearing on October 19. Commissioner Jones asked that

the dates for the considerations by the Planning Board and Commissioners be widely advertised since it was later in the year that originally thought.

Commissioner Peterson moved to set the public hearing on these issues for October 19. Vice Chairman Stanley seconded and the motion passed 5-0.

NEW BUSINESS

- **Annual Tax Settlement Report and Order to Collect**

Gary Roberts, Tax Administrator, gave the report that is attached to the minutes. He said that the general statutes require that the Board review the settlement, collection rate and charge the department with collection. Mr. Roberts said that the Tax Department had taken a compassionate approach to collecting and setting up payment plans for citizens.

Commissioner Jones said that she supported the compassionate approach as did Commissioner Peterson who said it was important to look at the lives of the citizens to keep them in their homes if at all possible.

He explained the insolvent list stating that these were uncollectible accounts on motor vehicles and personal property. He requested that these accounts be removed from the levy in an amount totaling \$41,148.

Commissioner Peterson moved to accept the insolvent list and remove those from the levy and to approve the settlement report as presented. Commissioner Bailey seconded and it passed 5-0.

Commissioner Bailey moved to charge the Tax Administrator with collection of the 2010 levy and approve the order to collect. Commissioner Peterson seconded and it passed 5-0.

- **Adoption of Code of Ethics for the Board of Commissioners**

Mike Frue, County Attorney, said that a code of ethics had been adopted by the Board of Commissioners and had been in full force and effect since 1992; however, new provisions had been suggested and at the recommendation of the North Carolina School of Government and North Carolina Commissioners' Association, he recommended adoption of the amended code.

Commissioner Peterson moved to approve the code as presented. Commissioner Bailey seconded the motion and it passed 5-0.

- **Voting Delegate to the NCACC Conference**

Commissioner Peterson nominated Vice Chairman Stanley to be the voting delegate to the 2010 NC Association of County Commissioners Annual Conference. Commissioner Jones seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Vice Chairman Stanley moved to appoint **Angelique Jones** and **Bill Spellman** to the **Nursing Home Community Advisory Committee**. The motion passed 5-0.

Commissioner Peterson moved to reappoint **Jane Hatley** and appoint **Joan Engelhardt** to the **Library Board of Trustees**. The motion passed 5-0.

ANNOUNCEMENTS

The Chairman announced that the next regular meeting of the Board would be August 17, 2010 at 4:30 p.m and that a full report would be given at that meeting on the collections for the Christmas in July for the troops.

PUBLIC COMMENT

Sharon Connolly, Executive Director of Crescent View Retirement Center, gave a report of their work with the community. She submitted the attached report stating that the facility was a faith based retirement community providing care to the seniors.

Jerry Rice said that Gary Roberts was a polite person and he wanted the Board to have empathy for the community. He criticized the budget that the County Manager presented because of the capital indebtedness of the County. He wanted the County to reduce the amount of money it was spending.

The Chairman asked for a report on the bond ratings and the status of the County's indebtedness.

Don Yelton said that he had a report that CTS had sued Mills Gap Road Associates for breach of contracts. He suggests that zoning and hillside rules make academic sense and suggested that the County spend less so the tax rate could be lowered.

Vice Chairman Stanley moved to go into closed session as recommended by the County Attorney and pursuant to NCGS 143-318.11a (3) for a legal matter involving 06CVS16256 and a worker's compensation matter; and (4) one property acquisition matter. Commissioner Peterson seconded and the motion passed 5-0.

CLOSED SESSION

The Board heard an update from the County Attorney and David Brigman with Air Quality regarding a lawsuit filed by North Buncombe citizens against the Blue Ridge Concrete plant. The Board agreed by consensus to have the County Attorney respond to the citizens regarding compliance with the settlement agreement.

The County Attorney updated the Board on the lawsuit filed regarding tourism development authority internet occupancy tax. No action was taken.

The County Attorney explained a worker's compensation lawsuit filed by a tax employee. The Board authorized the County Attorney to negotiate a settlement.

Commissioner Bailey moved to return to open session and adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0.

The meeting was adjourned at 6:35 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS