

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MARCH 16, 2010 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on March 16, 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, was absent from the meeting.

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 Peterson 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.

Commissioner Peterson moved to approve the consent agenda as presented.

- **Approval of Minutes of February 16 , 2009 Regular Meeting**
- **Resolution Authorizing Execution of Interlocal Agreement with the Town of Weaverville**
- **Approval of Lease Purchase Agreement Between United Financial of NC and Barnardsville Volunteer Fire Department**
- **Approval of Tax Exempt Loan for Enka Candler Fire and Rescue Department of Purchase New Pump Trucks**
- **Resolution Authorizing the Submission of a Grant Application and Execution of Documents Related to the Criminal Justice Partnership Program**
- **Resolution Amending the Garry and Carolyn Bleeker Agricultural Conservation Easement and to Execute a Progress energy Carolinas Utility Easement Crossing the Bleeker Property**
- **Budget Amendments:**
 - **Fund 10**
 - Project Assist Program (\$1,092)**
 - Breast and Cervical Cancer Program (\$9,355)**
 - Family Planning Program (\$21,391)**
 - Social Services – Energy Assistance (\$50,000); Crisis Intervention (\$150,120)**
 - Board of Elections – Additional voting sites (\$40,000)**
 - TANF Employment Funds (\$133,222)**

- **Resolution Authorizing Execution of Federal Grant Agreement for Phase One, Part A for the Asheville Airport**
- **Grant Projects Ordinance**
- **Release Report**

Commissioner Jones seconded and the motion passed 4-0.

PROCLAMATIONS

▪ **Mountain Mobility Week**

Commissioner Peterson read the proclamation and moved for its approval. Vice Chairman Stanley seconded the motion and it passed 4-0. Commissioner Peterson presented the proclamation to Ellen Westbrook, Chairman of the Mountain Mobility Board and Lori Hembree, Director.

Ellen Westbrook thanked the Board for the proclamation in recognition of 20 years of services to the citizens of the County. She reviewed the celebration events scheduled and thanked Denise Braine and Lori Hembree for their work in getting grants to improve and expand Mountain Mobility services. She thanked the staff and drivers who go beyond the call of duty everyday.

▪ **Special Recognition**

The Chairman and Commissioners recognized Josh O'Conner, County Planner, who was going to be deployed with Army Reserve to Southern Iraq this month. The Board presented him with a phone card and their thanks for his willingness to serve. Mr. O'Conner thanked the County for the recognition and support.

PUBLIC HEARING

- **Proposed FY 2011 Community Transportation Program Grant Application for Mountain Mobility**

The Chairman opened the public hearing at 4:56 p.m. asking if anyone was interested speaking regarding the funding proposed for the grant application.

Lori Hembree, Director of Mountain Mobility, gave a summary of the grant application and resolution attached to the minutes. She said that they will use this funding to meet the needs of transportation.

Jerry Rice spoke in favor of the program and asked how stimulus money would affect the future of this program. Ms. Hembree said that this application is made every year and is not a part of the stimulus funding.

Alan Ditmore asked about the service life of the vehicles used and if they considered having them repaired instead of purchasing new vehicles. Ms. Hembree said that the State of North Carolina dictates that useful life is 100,000 miles. After that mileage they can apply for replacement vehicles. Older vehicles are used for backup and are kept maintained. The others are sold.

The public hearing was closed at 5:02 p.m.

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

COUNTY MANAGERS REPORT

- **Update/Status Report on Asheville Regional Airport**

Mr. Lew Bleiweis, Airport Director, gave a power point and update on the status of the airport that is attached to the minutes. He said that Asheville Airport received more stimulus funding than any other airport in the state of North Carolina. In answer to a question from Commissioner Jones, Mr. Bleiweis said that the airport had created approximately 30 to 40 jobs as a result of the construction and stimulus funding. The Board thanked him for the report and asked him to come back on a regular basis.

NEW BUSINESS

- **Resolution Authorizing the Execution of an Agreement Related to Construction Manager At-Risk Services for the Buncombe County Courthouse Life Safety Addition**

Jon Creighton, Assistant County Manager/Planning Director, said that this resolution would allow a contractor to begin the design and construction of the life safety tower on the courthouse. He gave the history of the project and said that the construction manager would bid out the project to local contractors.

Vice Chairman Stanley said that there is a need to expand court space and take care of the safety of court staff and citizens. The Vice Chairman moved to ask Commissioners to approve the resolution and instruct the County Manager to proceed with the resolution as proposed and to complete a plan for the entire project including the additional courtroom space. The plan must reflect the entire project financing. Commissioner Peterson seconded the motion.

Commissioner Jones said that she supported the resolution but asked if the life safety tower was required if additional court space was built. She asked if the whole project could be reduced so that financing was only needed for the court space with no tower.

Jon Creighton said that in 1998 there was a law change and under the new code the County must address the problem of access to the upper floors of the Courthouse before any renovations could be done in the building. The first addition on the building will add court space on the back of the building.

District Attorney Ron Moore said that the life safety issues are important but construction of court space is of an immediate need. He said moving the criminal courts to new space would take 70 percent of the traffic out of the courthouse.

Commissioner Peterson said that the first job she had was working in the Courthouse and that the courthouse remains a symbol of the county and should be preserved and maintained. It must be kept safe for the well being of the citizens and employees in the building. She said that she is supportive of the motion and the recommendation of the County Planning Director and staff.

Commissioner Jones thanked the staff for the construction manager model for keeping jobs in the County.

The motion passed 4-0.

- **Proposed Animal Control Ordinance Changes**

Mike Frue, County Attorney, presented the changes to the animal control ordinance that are attached to the minutes.

Commissioner Peterson moved to approve the changes as recommended. Vice Chairman Stanley seconded and the motion passed 4-0.

- **Western Highlands Report**

Donna Clark, Finance Director, presented the Western Highlands Report that is attached to the minutes. She said that they are currently working on the 2011 budget.

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

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **Kelly Stamey** to the **Adult Care Home Community Advisory Committee**. The motion passed 4-0.

Commissioner Stanley moved to appoint **Dr. Bart Martin** to the **Board of Health**. The motion passed 4-0.

Commissioner Peterson moved to appoint Commissioner **Bill Stanley** to serve on the **Riverfront Redevelopment Commission**. The motion passed 4-0.

The Board agreed to hold appointment of the Riverfront Redevelopment Commission resident or business owner vacancy until the April 6 regular meeting.

ANNOUNCEMENTS

The Chairman announced that the next regular meeting of the Board would be April 6 2010 at 4:30 p.m.

PUBLIC COMMENT

Jerry Rice asked about the task force for the jail renovations and why it was on the agenda. He said that politics will cost the tax payers money in this situation. He wanted to know why the Board was asked to discuss the additional court space at the last minute.

The County Attorney said that the Board would need a closed session pursuant to NCGS 143-318.11a (5) property acquisition.

He said that there would not be any action taken after closed session.

Commissioner Peterson moved to go into closed session for the purposes stated by the County Attorney. Vice Chairman Stanley seconded and the motion passed 4-0.

CLOSED SESSION

The Board discussed a property acquisition in east Asheville. No action was taken. Commissioner Peterson moved to return to open session. Vice Chairman Stanley seconded and the motion passed 4-0.

Commissioner Peterson moved to adjourn the meeting. Vice Chairman Stanley seconded and the motion passed 4-0. The meeting was adjourned at 6:15 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS