

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MAY 18, 2010 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on May 18, 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

Kiah Ballard and Jason Rickman with Troop 26 from Averys Creek Boy Scout Troop led the pledge.

INVOCATION

Chairman Gantt 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 May 4, 2010 Regular Meeting**
- **Resolution Authorizing the Submittal of JCPC Funding Plan for FY 2011 to NC Department of Justice**
- **Budget Amendments:**
 - **Fund 10 – Department of Health**
 - **Immunizations for School Children \$28,747**
- **Budget Appropriations FY 2010**

Vice Chairman Stanley seconded the motion and it passed 5-0.

GOOD NEWS

- **Project Assist Certificate of Appreciation**

Karen Caldwell with the Department of Health along with teen volunteers from Asheville High, TC Roberson and Erwin High Schools thanked the Board for passing an ordinance prohibiting the use of tobacco on County property. They presented the Board with a certificate of appreciation for passing the ordinance.

Gibbie Harris, Health Director, said that a state law was passed last year allowing counties to prohibit smoking on County property.

The Chairman welcomed Matt McNamara, boy scout with Troop 26 from Avery's Creek who joined the meeting.

PUBLIC HEARING

- **Resolution Adopting a Statement of Consistency Regarding a Proposed Ordinance Amending Chapter 78 of the Buncombe County of Ordinances by Repealing Article III, the Zoning Ordinance of Limestone Township and Article IV, the Beaverdam Community Land Use Ordinance in their Entirety**
 - **Ordinance Repealing Chapter 78 Article III Limestone Zoning and Article IV Beaverdam Zoning of the County Code**

Mike Frue, County Attorney, said that this ordinance would officially repeal the Limestone and Beaverdam Ordinances that were no longer needed with the passage of the county wide ordinance. The Planning Board had already approved this change. The County Attorney explained that repeal of these ordinances does not change anything in the zoning ordinance, it simple eliminates duplication in the code of ordinances.

The Chairman opened the public hearing at 4:46 p.m.

There were no comments made and the Chairman closed the hearing at 4:47 p.m.

Commissioner Peterson moved to approve the Resolution Adopting a Statement of Consistency Regarding a Proposed Ordinance Amending Chapter 78 of the Buncombe County Code of Ordinances by Repealing Article III, the Zoning Ordinance of Limestone Township and Article IV, the Beaverdam Community Land Use Ordinance in their entirety. Vice Chairman Stanley seconded the motion and it passed 5-0.

Commissioner Bailey moved to approve the Ordinance Repealing Chapter 78 Article III Limestone and Article IV Beaverdam Zoning of the County Code. Commissioner Jones seconded the motion and it passed 5-0,

- **Resolution Adopting a Statement of Consistency Regarding a Proposed Ordinance Amending Chapter 78 of the Code of Ordinances, Article VI the Zoning Ordinance**
 - **Ordinance Amending Chapter 78 "Zoning" of the Buncombe County Code for Text Amendments**

Mike Frue, County Attorney, said that this hearing was needed to consider administrative changes to the zoning ordinance including typo corrections and clarifications. The Planning Board had found the proposed changes to be consistent with the land use plan and had approved them as presented.

The Chairman opened the public hearing at 4:54 p.m.

Jerry Rice questioned the set back definitions and if a study has been done on the affects or impact to the public.

The Chairman closed the public hearing at 4:58 p.m.

Mr. Frue said that anything in place now has been grandfathered and everything in the ordinance is more clearly defined and explained.

Commissioner Peterson moved to approve the Resolution Adopting a Statement of Consistency Regarding a Proposed Ordinance Amending Chapter 78 of the Code of Ordinances, Article VI and the Zoning Ordinance. Vice Chairman Stanley seconded and the motion passed 5-0.

Commissioner Jones said that this is a great example of how things can be changed for the better and she hoped to see more of these changes in the future.

Commissioner Bailey moved to approve the Ordinance Amending Chapter 78 "Zoning" of the Buncombe County Code for Text Amendments. Commissioner Peterson seconded and the motion passed 5-0.

NEW BUSINESS

▪ Update on the County Aging Plan

Ali Climo and Linda Kendall-Fields, Co-Chairs of the Aging Coordinating Consortium, gave an update on the County aging plan that is attached to the minutes. Commissioner Peterson thanked them for their work and asked where someone would call to get involved. Ms. Kendall-Fields said that citizens should contact the Land of Sky Council at 251-6622.

• FY 2011 Budget Message

The County Manager presented the County's budget for FY 2011 which is attached to the minutes. She thanked the County management team for their hard work on this budget; Diane Price and Autumn Moore in the budget office and Lisa Eby and Amy Harmon for their work on the budget video presentation. She said that she is very proud of the county employees and she thanked the Commissioners for supporting the staff and allowing them to do a better job everyday. The tax rate will remain the same at .525 per \$100 valuation. She said that the County had fewer employees today than it had 10 years ago. She said that the sales tax revenue stream had gone down \$2.1 million and she was able to present a budget that keeps the tax rate stable by appropriating \$6,976,266 of the fund balance. She said that normally the County did not have to use the fund balance that was appropriated. She asked the Board to set the public hearing for June 1.

Commissioner Bailey asked about state actions that could impact the budget. The Manager said that she was watching some bills that could impact the County including taking the e-911 funds.

Commissioner Peterson thanked everyone for their hard work and felt it important to explain that the fund balance appropriation had not been used over the last 8 years. All the details of the budget will be on the website along with the video.

Vice Chairman Stanley moved to set the public hear on the budget for the June 1 regular meeting. Commissioner Peterson seconded and the motion passed 5-0.

ANNOUNCEMENTS

- All five Commissioners will be attending the County Employee Service Awards luncheon on May 25 at 11:30 a.m. at the First Baptist Church
- All five Commissioners may be attending the County Employee picnic on Friday, May 28 at 11:30 a.m. at the Martin Luther King Park
- The Chairman announced that the next regular meeting of the Board would be June 1, 2010 at 4:30 p.m.

PUBLIC COMMENT

Jerry Rice praised the Council on Aging program and asked for more regional help with mental health issues across the state. He was concerned about capital spending or stimulus money running out in 2012 and wanted more help from the NC Association of County Commissioners on mental health. He asked the Commissioners to consider having the Department of Social Services' calls monitored to prevent unfounded complaints.

Jacob Rickman with Boy Scout Troop 26 of Avery Creek invited everyone to a fund raising barbeque for his troop on Clayton Road from 2 to 7 p.m. on Saturday, May 22.

Commissioner Bailey moved to go into closed session pursuant to the County Attorney's direction under NCGS 143-318.11a (5) for a property acquisition. Commissioner Peterson seconded and the motion passed 5-0.

CLOSED SESSION

Jon Creighton, Assistant County Manager, presented a request to make an offer on a property that would replace space lost by the construction of the new Courthouse safety tower. The Board gave consensus for the County to make an offer for purchase of the property.

Vice Chairman Stanley moved to return to open session and adjourn the meeting. Commissioner Peterson seconded the motion and it passed 5-0. The meeting was adjourned at 6:05 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS