

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

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on November 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 Vice 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; 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 Bailey 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 November 2, 2010 Regular Meeting**
- **Resolution Authorizing Request for Extension of Request for Reallocation of Recovery Zone Bonds**
- **Special Revenue Projects Ordinance**
- **Grant Projects Ordinance**
- **Release Report**
- **Western Highlands Quarterly Report**

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

### **PUBLIC HEARING**

- **Resolution to Modernize the Levying of the 4 Percent Room Occupancy and Tourism Development Tax**

Mike Frue, County Attorney, said that the hearing was to consider a resolution to modernize the County room occupancy tax to coincide with new state legislation clarifying that online providers are responsible for the collection and remittance of the 4% tax based on the gross receipts paid by the customer to the online provider. He said that currently the tax collected for rooms rented by online service providers does not necessarily reflect the gross receipts charged for the room. These service providers are now clearly defined by the state law and the requested

action would update the County's rules and would be effective on January 1, 2011. The tax amount would remain 4 percent.

In response to a question from Commissioner Jones, Mr. Frue said that those impacted by the change would be online providers like Travelocity and Expedia.

The Chairman opened then public hearing at 4:38 p.m.

Jerry Rice questioned the amount of money going to the Tourism Development Authority (TDA) and why no one knows the projected amount of money that will be received from these changes.

The County Attorney said that the TDA was created in 1983 and that no local money funds the authority, only the proceeds of the 4 percent occupancy tax.

The hearing was closed at 4:42 p.m.

Commissioner Bailey moved to approve the resolution as presented. Commissioner Peterson seconded and the motion passed 5-0. The resolution would be effective January 1, 2011.

## **NEW BUSINESS**

- **Edith Fortune Conservation Easement Request**

Maria Wise, Soil and Water Conservation District representative, described the property in Broad River stating that the easement would preserve 352 acres as farmland. The Fortune family donated 100 percent of the development rights to preserve the property as farmland. The only cost would be \$14,000 to cover the transaction cost.

Doug Fortune, representing the family, said that they support the easement. They have owned the property since 1939 and thanked the Board for the opportunity to put the property in conservation easement.

Vice Chairman Stanley moved to approve the easement and transaction costs. Commissioner Peterson seconded and the motion passed 5-0.

- **Resolution Approving Updated Fire Insurance Districts Maps for Leicester Fire and Broad River Fire Districts**

Mack Salley, County Fire Marshall, said that the Leicester and Broad River districts need the Board's approval of their updated service maps. With this approval and their successful re-certification in December, people within 5 to 10 miles of the stations in these districts can get a reduced fire insurance premium. There are two stations in each district.

Commissioner Bailey moved to approve the resolution as presented. Vice Chairman Stanley seconded the motion and it passed 5-0.

Commissioner Peterson thanked the volunteer fire departments for doing a great job for the citizens.

- **Comprehensive Annual Financial Report**

Donna Clark, Finance Director, gave a power point that is attached to the minutes. She said that the audit committee approved the report as presented. This is the 30th consecutive year that the County has received the award of excellence in financial reporting. She thanked her staff for their work.

Commissioner Jones asked why the County was not rated AAA? Ms. Clark said that AA+ is the County's current rating because of size, jobs and community and due to factors outside the County's control, was probably the highest rating Buncombe could achieve.

Chuck Killian with the Gould Killian Audit Firm who performed the County's audit reviewed the compliance report that is attached to the minutes.

- **Workforce Housing Incentive Policy**

Cynthia Barcklow, County Planner, presented a power point presentation that is attached to the minutes. She said that the workforce policy is based largely on the county economic incentive policy.

Wanda Greene said that staff had received feedback from several developers and outside agencies and would like more time to tweak the policy and get more feedback from other counties across the country.

Vice Chairman Stanley moved to extend the time for review. Commissioner Peterson seconded the motion to allow more time on this policy. She suggested discussion of the policy at the Commissioners' December 14 retreat.

Commissioner Jones asked that the County work with the City toward assuring workforce housing availability.

The Chairman added to the motion (with the permission of Vice Chairman Stanley and Commissioner Peterson) that the Board instruct the County Manager to draft a letter to Montford Commons expressing the County's intent to work with them on their project.

The motion passed 5-0.

## **BOARD APPOINTMENTS**

Commissioner Jones moved to appoint **Jim Guido, James Lesko** and **John Yurko** to the **Board of Adjustment** as **regular** members for three year terms. The motion passed 5-0.

After a poll of the Board, a majority of the Board nominated the following citizens to serve on the **Board of Adjustment** as **alternate members** (three year terms): **Anthony Goodson, Lisa Stephens, Bruce Strum, David Summey** and **Roberta Taylor**.

## **ANNOUNCEMENTS**

*The Chairman made the following announcements:*

- *The next meeting of the Board will be December 7, 2010.*
- *The Board will hold a retreat on December 14 beginning at Noon in the County Training Rom at 199 College Street in downtown Asheville*

## **PUBLIC COMMENT**

Vince Smartjessy reminded the Board of the positive aspects of the Montford Commons project and said that the project is in HUD hands at this point. He thanked the Board for their work on the workforce policy.

Jerry Rice asked for tax reduction of 4 cents in 2011. He gave out some information about parental rights that he wanted Heath Shuler to endorse. He invited the Board to several events involving children.

Commissioner Bailey moved to go into Closed Session pursuant to GS 143-318.11 to consider legal matters and an economic development matter. Commissioner Peterson seconded and the motion passed 5-0.

## **CLOSED SESSION**

Discussion was held with the County Attorney and the Sheriff regarding a potential legal matter involving animal control. No action was taken.

Discussion was held regarding a potential legal matter involving a lease at Lake Julian involving a rowing club. No action was taken.

Discussion was held regarding a potential economic development incentive for a company bringing 1,000 jobs. The Board gave the County Manager consensus to offer an incentive.

Vice Chairman Stanley moved to return to open session. Commissioner Peterson seconded and the motion passed 5-0.

Commissioner Bailey moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0. The meeting was adjourned at 6:25 p.m.

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KATHY HUGHES, CLERK TO  
THE BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS