

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF OCTOBER 26, 2010 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on October 26, 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; Mandy Stone, Assistant County Manager/DSS Director; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, County Attorney.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Vice Chairman Stanley 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 October 5, 2010 Regular Meeting**
- **Resolution Authorizing the Acceptance of Applications and Approval of Housing Projects for the Affordable Housing Services Program**
- **Resolution Approving an Installment Financing Contract to Provide for the Acquisition, Construction, Furnishings and Equipping of Certain Projects Set Forth Therein and Related Matters.**
- **Resolution Authorizing the Negotiation and Execution of an Agreement Related to Construction Manager At Risk Services for the Phase II Courthouse Renovations and Courts Addition Project**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Release Report**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**
- **CJIS Capital Projects Ordinance**
- **Woodfin Downtown District Capital Projects Ordinance**
- **Debt Service Reserve Capital Projects Ordinance**
- **Special Revenue Capital Projects Ordinance**
- **Budget Amendments:**

- **Fund 10 – Social Services reallocated positions \$157,659**
- **Fund 60 – COPS for CJIS (\$350,000)**
- **Fund 22 – WIA adjust carry over (\$258,630)**

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

## **PUBLIC HEARING**

- **Ordinance Repealing the Designation of Property Known as the John A Lanning House as a Local Historic Landmark**

Cristan Moody, City Planner with Historic Resources Commission, explained that the Lanning house had burned down and been moved. The details of the request are attached to the minutes. The recommendation of the Historic Resources Commission was to repeal the designation.

The Chairman opened the public hearing at 4:34 p.m. No comments were taken and the hearing was closed.

Commissioner Bailey moved to accept the recommendation of the Historic Resources Commission and approve the ordinance as submitted. Commissioner Peterson seconded the motion and it passed 5-0.

- **Ordinance Repealing the Designation of the Property Known as Richmond Hill As a Local Historic Landmark**

Cristan Moody explained that this request was very similar to the Lanning House in that the property burned in 2009; however, in 1984 the building was moved into the City and the County's designation had never been repealed.

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

Don Yelton commented that again a private property decision of use was in the hands of elected officials.

The hearing was closed at 4:38 p.m.

Commissioner Peterson moved to accept the recommendation of the Historic Resources Commission and approve the ordinance as presented. Vice Chairman Stanley seconded the motion and it passed 5-0.

## **NEW BUSINESS**

- **City and County Schools Request to Reallocate Lottery Funds**
  - **School Capital Commission Fund Project Ordinance**
  - **Budget Amendment – Fund 10**

Tony Baldwin, County School Superintendent, said that the legislature had provided flexibility for use of lottery funds to protect classroom teaching positions. This year the funds would save 22 classroom teaching positions.

Alan Johnson, City School Superintendent, said that the City School Board approved using the funds to save classroom positions at their October 20 meeting

Commissioner Peterson said that she would move to approve these requests to save classroom teacher positions. Commissioner Stanley seconded the motion. The motion passed 5-0.

Mr. Johnson said that they are asking the general assembly to approve the use of these funds next year while there are such huge deficits. He said that the school system had fewer employees but had not had to lay off any teachers.

Commissioner Jones suggested that the Commissioners help the school systems advocate for the use of lottery funds again next year.

- **Workforce Housing Request**

Wanda Greene, County Manager, said that the Board would need to set a public hearing to consider a \$1.8 million economic development incentive for Montford Commons, a development for workforce housing. HUD will consider endorsement of the project. Their loan endorsement hinges on the economic development incentive funding from the city and county. The project is set to begin in early 2011 and finish in 18 to 24 months. Asheville City Council was currently holding a public hearing to consider their support of an incentive for infrastructure. They were also drafting a policy for the incentive funding. She recommended that the County set the public hearing for November 16 to consider the incentive.

Commissioner Peterson said that she would like to see the County have a policy in place for the granting of incentives similar to this prior to considering the incentive.

Commissioner Bailey said that if the City was asking for a percentage of units set aside for government employees, he would like to see a percentage of units set aside for county employees.

Vince Smartjesse, developer for Montford Commons, said that he had been working with this project for over 5 years. His group purchased 52 lots to make this possible and had planned an urban village plan prior to the fall of the economy. He said that HUD had approved their application in April of this year; however, the money they approved did not cover and could not be used for the infrastructure portion; therefore, they were pursuing the economic incentive based on tax value of \$350,000 x 10 years or \$3 million.

Commissioner Jones asked if the Board could take the next three weeks and put together a policy that would cover this type incentive and consider the proposal on November 16.

Commissioner Bailey moved to set the public hearing to consider an economic incentive grant for Montford Commons project for November 16 and to instruct staff to prepare a policy that would cover this type incentive. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Ordinance Amending Chapter 54 of the Buncombe County Code Prohibiting the Consumption of Alcohol on All County Owned Property**

Mike Frue, County Attorney, said that this ordinance would clarify the alcohol restriction to include all County properties unless otherwise permitted.

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

- **Resolution Approving the Agreement Between Buncombe County and CDM to Assist in Developing a Sustainability Plan**

Jon Creighton, Planning Director/Assistant County Manager, said that this resolution would approve an agreement with Camp, Dresser and McKee (CDM) to develop a sustainability plan for the County. CDM completed a similar plan for the city and would work in partial collaboration with the City of Asheville. The plan would cost \$50,000.

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

## **BOARD APPOINTMENTS**

Commissioner Peterson moved to reappoint **Winnie Zeigler** and **Dr. David McClain** to the **Board of Health**. The motion passed 5-0.

Commissioner Bailey moved to reappoint **Paige Wheeler** to the **Tourism Development Authority**. The motion passed 5-0.

## **ANNOUNCEMENTS**

- *The next meeting of the Board will be November 2, 2010.*
- *Members of the Board of Commissioners will be attending the dedication of the Sgt. Jeff Hewitt bridge on Long Shoals Road on Friday, October 29 at 10 a.m.*
- *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**

Don Yelton suggested that the Board ask their presenters to speak louder because no one can hear them in the back of the room. He said the courtrooms in the courthouse have the same problem. He was bothered by the Montford Commons project because the housing units would be used to reward government positions. He said that government workers make 30 percent more than the average worker. He suggested that the Commissioners learn to show respect to the public and said that certain rude comments made by the Commissioners were cut out of the tape after the October 5 meeting.

Jerry Rice said that he felt that using the Montford Commons housing for government workers was discrimination. He said that special education funding should not be capped at 12.5 percent.

Commissioner Bailey moved to go into closed session pursuant to GS 143.318-11a to discuss a legal matter; workers compensation claim #532700; and an economic development incentive. No action would be taken. Commissioner Jones seconded and the motion passed 5-0.

## **CLOSED SESSION**

The County Attorney discussed workers compensation claim #532700 from 2005 involving an EMS employee. No action was taken.

The County Attorney presented a request from the City of Asheville regarding a claim from Stewart Coleman involving water damage to his property in City/County plaza. No action was taken.

Jon Creighton, Assistant County Manager, presented a possible economic development incentive for a company considering relocation to Buncombe County bringing 71 jobs. The Board agreed by consensus to pursue this incentive.

Commissioner Bailey moved to go back into open session. Vice Chairman Stanley seconded and the motion passed 5-0.

Vice Chairman Stanley moved to adjourn the meeting. Commissioner Jones seconded and the motion assed 5-0.

The meeting was adjourned at 5:46 p.m.