

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF FEBRUARY 3, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 3, 2009, in the Commissioner Chambers, Room 204 of the Courthouse 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
K. Ray Bailey, Commissioner
Holly Jones, Commissioner
Carol Peterson, Commissioner

Staff present were: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager; Jon Creighton, Assistant County Manager; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, Assistant County Attorney; Joe Connolly, County Attorney.

CALL TO ORDER

PLEDGE OF ALEGIENCE

INVOCATION

Rev. James Stewart, First Church of Nazarene 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.

- Approval of Minutes of January 20, 2009 Regular Meeting
- Budget Amendments
 - Fund 10 - Allocation of Grant Funds \$386,433
- Grant Projects Ordinance
- Resolution Affirming and Supporting the 2010 Census
- Resolution Directing Amendment to the Management Agreement with URTV

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

PUBLIC HEARING

- **Economic Development Incentive: Plasticard-Locktech Interntional**

This public hearing was postponed to March 17 due to illness of the Plasticard representative.

COUNTY MANAGER REPORT

Mandy Stone, Assistant County Manager, said that in the fall of 2008, the County Manager had asked all departments to look at non-mandated services for ways to reduce the cost of providing the services. As a result of this request, the County began looking at the possibility of privatizing child care centers. She said that the intent was not to decrease the level of care but to increase capacity and maintain the care. Ms. Stone said that the County subsidizes the centers over \$700,000 per year or \$5,100 per each of the 145 children served. That amount

exceeds the federal guidelines of \$4,600 per year. She emphasized that no decision had been made but all options were being investigated. She said that a request for proposals (RFP) had been written and sent out to potential providers and that the County was waiting on the results. The providers must be able to provide equal or better care than the care currently given. Some of the children have developmental needs and anyone interested in responding to the RFP must be able to meet the needs of these children. She said that the RFP would require a seamless transition for parents—providing the care in same building with the same care givers and at the same level or quality of care. Ms. Stone said that if no providers could meet the requirements of the RFP, the County would continue to deliver the care.

NEW BUSINESS

- **Resolution Authorizing the County Manager to Execute an Agreement with the City of Asheville as Direct Recipient of Federal Transit Administration for Funds under the New Freedom program**

Lori Hembree, County Planner with Mountain Mobility, said that this agreement was with the County and City of Asheville for funds from the new Freedom Program, a federal transit program offering funds to extend services to citizens with disabilities or older adults. The funds would begin in March of 2009 and end in 2012.

Jerry Rice asked if the new grant would cover anyone other than the person with the disability. Ms. Hembree said that the program funds might cover a caregiver that needed to travel with the citizen with disabilities or older adult.

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

- **Amendment to Commissioners' Rules and Procedures**

Commissioner Bailey moved to amend the Commissioners' Rules and Procedures to reflect a pre-meeting start time of 4:15 p.m. (*less time is needed for pre-session as a result of the deletion of the Public Comment period during the pre-session*). Vice Chairman Stanley seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Commissioner Jones moved to appoint **Marvin Veirra** to the **Asheville Buncombe Community Relations Council** for a three year term. The motion passed 5-0.

Commissioner Stanley moved to appoint **John Oneal and John Lyda** to the **Industrial Facilities and Pollution Control Financing Authority**.

Commissioner Jones moved to appoint **Peggy Franc** to the **Adult Care Home Community Advisory Committee** for a one year term. The motion passed 5-0.

Commissioner Peterson moved reappoint **Alice Coppedge** to the **Historic Resources Commission** for a second term. The motion passed 5-0.

Commissioner Bailey moved to reappoint **Karen Donatelli; Mark Morris; Pt Roberts; John Menkes and Norman Riddle** to the **Board of Equalization and Review**. The motion passed 5-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be Tuesday, February 17, 2009 at 4:30 p.m. in Commission Chambers*

PUBLIC COMMENT

Alan Ditmore reminded the Board that the hillside development ordinance increases zoning and he is opposed. He said that this is not environmentalism and hurts affordability. He said that unit density limits have been removed from the downtown design standards and that this ordinance should not have unit density limits. He said that URTV should not be funded with tax money and is a very extravagant organization.

Erin Penland spoke about the CTS groundwater contamination site. He said that in May 2008 a member of the citizens monitoring council wrote a resolution regarding this site and that they were still waiting for funding for additional testing on this site by UNC-Asheville. He wanted a resolution against CTS for cleanup of that site stating that it would take more than \$3 million to cleanup the site and he wanted CTS held responsibility.

Jerry Rice thanked the Board for their action to put public comment back on television. He urged them to be good listeners. He mentioned URTV questioning the need for an amendment to the agreement.

Michele Malone said that she had two children at the Community Child Care Center and did not want the day care to change. She said that her kids would have no where else to go. The Assistant County Manager repeated part of the comments she made earlier in the meeting regarding the County's requirements as part of the RFP that the care would be provided at the same site, and at the same level of care with the same license and that the County would not look at any proposal that did not insure continued care.

The County Attorney said that the Board would need to go into closed session pursuant to GS 143-318.11(a)5 for a possible property acquisition involving the Hayes and Hobson building and the adjacent parcel that the County sold to Blackdog Realty.

Commissioner Peterson moved to go into closed session for the reason cited by the County Attorney. Vice Chairman Stanley seconded and the motion passed 5-0.

Closed Session

The Board discussed the Hayes and Hobson property and the adjacent property that the County sold to Blackdog Realty. No action was taken.

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

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

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS