

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JUNE 16, 2009 AT 4:30 P.M.**

---

**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on June 16, 2009, 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  
K. Ray Bailey, Commissioner  
Bill Stanley, Vice Chairman,  
Carol Peterson, Commissioner

Holly Jones, Commissioner, was absent from the meeting

Staff present were: Wanda Greene, 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.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Dr. Isacc Owolabi, Crossroads Assembly, 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 June 2, 2009 Regular Meeting**
- **Resolution Authorizing the Purchasing Agent to Purchase and Contract According to the Thresholds in the NC General Statutes**
- **Release Report**
- **Budget Amendments**
  - Fund 69 – Inmate Commissary (\$30,000)
  - Fund 28 – Fire Districts (\$1,674,962)
  - Fund 20 – Occupancy Tax (\$1,428,000)
  - Fund 22 – WIA (\$150,000)
  - Fund 10 – Planning (storm water bonds \$42,570; Information Technology (license fees DSS Project \$70,000); General Services Inter-fund Transfer \$3,420,874); Sales Tax/Inter-fund Transfer \$500,000; Information Technology --projects under way \$130,000)
  - Fund 70 – Law Enforcement Forfeiture (\$180,504)
  - Fund 71 – Sheriff Forfeiture (\$17,099)
  - Fund 80 – Health (\$6,301,224)
- **Capital Projects Ordinance**
- **School Capital Commission Fund Project Ordinance**
- **Grant Project Ordinance**
- **Parking Deck Capital Project Ordinance**
- **Approval of Tax Exempt Loan to Enka Candler Volunteer Fire Department**
- **Resolution Requesting the Release of Property From an Executed Deed of Trust**
- **Resolution Authorizing Acceptance of Request from Bountiful Cities Project for Donation of Surplus 2003 Dodge Minivan**

- **Resolution Approving Pyrotechnic Experts for Firework Displays** (Black Mtn. Neuro Medical Treatment Center; Grove Park Inn)
- **Resolution Declaring the County's Intent to Reimburse Itself for Capital Expenditures Incurred in Connection with the Acquisition and Installment of Radio System Equipment for the Sheriff's Department; Information Technology and Aerial Ortho-Photography Services; the Renovation of the Health and DSS Buildings; the Expansion of the Human Services Building and the Acquisition, Construction and Equipping of the Life Safety Tower at the Courthouse from the Proceeds of Certain Tax Exempt Obligations to be Executed in 2010**

Commissioner Bailey seconded and the motion passed 4-0.

## **PROCLAMATION**

- **Elder Abuse Awareness Month**

Vice Chairman Stanley read the proclamation and moved for its approval. Commissioner Bailey seconded and the motion passed 4-0. Cathie Beatie with the County Department Social Services said that they had launched an Elder Abuse Awareness Campaign to draw attention to elder abuse in the County. She said that more than 2 million older adults are victims of abuse in the United States every year. There were 819 reports with 33 percent of those substantiated or confirmed in Buncombe County in 2008. She thanked the Board for supporting their efforts.

## **NEW BUSINESS**

- **Resolution Approving the Solid Waste Management Plan Update**

Jerry Mears, County Solid Waste Manager, said that the State of North Carolina requires the County to prepare a Solid Waste Plan and to update that plan every three years. Martin Sandford with CDM, the company that prepared the 3 year update, reviewed the plan. His report is attached to the minutes of this meeting. The document was available for the public to review in the County libraries, the chamber of commerce and was posted on the County's website. He asked the Board to approve this plan as submitted.

The Chairman opened a time of public comment.

Jerry Rice asked about waste going to MSD and back into the landfill. He asked if the plan addressed leakage coming from the landfill.

Jerry Mears, Landfill Manager, said that nothing comes to the landfill from MSD. They dispose of their own waste. He said that the County landfill is a subtitle D landfill with a liner and monitoring wells as well as a leak detection zone under the liner that catches any leakage. He said that there has been no detected leakage. No other comments were made.

Vice Chairman Stanley moved to approve the Solid Waste Management Plan as presented. Commissioner Peterson seconded and the motion passed 4-0.

Jerry Mears, Landfill Manager, said that the tipping fee per ton at the County Landfill is \$38. The tipping fees for surrounding counties are higher. He said that in order to keep the operating capital that the landfill would need to meet the bond requirements, the tipping fee should be raised \$5 per ton. This increase will result in a .50 per month increase to garbage customers. The current fee per customer per month is \$14.20 and that will rise to \$14.70 per month. He asked that the County Manager include this increase in the County's 2010 budget to be effective September 1, 2009. He said that the County's tipping fee will still be less than the rate of counties across the state.

The Finance Director said that the County must keep the bond ratio that was promised and an increase in tipping fees would be required to meet this ratio.

Commissioner Stanley moved to instruct the County Manager to include in the budget a \$5 increase in landfill tipping fee. Commissioner Peterson seconded and the motion passed 4-0.

- **Update on United Way's 211**

Rachel Nygaard with United Way's 211, gave an update on the information that they are compiling based on requests coming into 211. Her presentation is attached to the minutes. She said that the call volume is up 12 percent since 2008. Most of these calls are for basic needs including transportation, health care and criminal justice legal needs. She thanked the Board for their support of this program. Chairman Gantt asked for a breakdown of the transportation needs that are requested through 211. Commissioner Bailey said that this is a valuable resource for the public.

- **Resolution Rescinding Resolution # 06-08-06**

Gary Roberts, Tax Director, gave a power point that is attached to the minutes. He said that in June of 2006 the Board adopted Resolution 06-08-06 setting a date of 2010 for the next tax revaluation. He said that as that date draws near, it seems that the revaluation is not the best idea at this time when looking at all properties to make sure the citizens are paying equitably. The County is within the ratio set by the State and a revaluation at this time is not required. The next mandatory revaluation would be 2014 if the sales ratio stays within the acceptable range. He recommended that the revaluation be delayed until the market stabilizes. He encouraged any citizen who would like to have their property reviewed call his office at 250-4940.

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

Commissioner Peterson congratulated Mr. Roberts for being named the Outstanding Tax Collector of the Year for North Carolina.

- **Resolution Authorizing the Execution of a Fire Protection Agreement for the Haw Creek Fire District**

Mike Frue, Assistant County Attorney, said that this is the result of a decision of the Haw Creek Fire Association to close the fire department and allow their service area to be covered by Asheville Fire and Rescue, Riceville and Reems Creek Volunteer Fire Departments. Mr. Frue said that agreements with each of these fire departments have been created for the Board's approval. He said that a new service district for this department would be created in the future.

Clint Gorman, President of the Haw Creek Volunteer Fire Department, said that other departments could provide better service than the Haw Creek Department with quicker response times and full time service. People affected by this should not feel the transition-- they will call 911 and the call will be routed to the proper agency. Mr. Gorman said that this was a tough decision but was the right decision to bring better service to the people.

Commissioner Peterson moved to approve the resolution and contracts as presented.

Commissioner Bailey seconded the motion and it passed 4-0.

- **Limestone Council Recommendation Regarding Ordinance Amendments**

Mike Frue, Assistant County Attorney, said that this request was approved by the Limestone Council and forwarded to the Board to request a change in the current Limestone Ordinance that would bring the ordinance into compliance with State statutes. He asked the Board to set a public hearing for August 4.

Commissioner Peterson moved to set a public hearing to consider this change to the Limestone Ordinance for the August 4 meeting of the Board. Commissioner Bailey seconded and the motion passed 4-0.

- **Voting Delegate to the National Association of Counties Conference**

Commissioner Peterson moved to nominate Vice Chairman Stanley to be the voting delegate to the National Association of Counties conference in Nashville Tennessee on July 24-28.

Commissioner Bailey seconded the motion and it passed 4-0.

## **ANNOUNCEMENTS**

- *The Board will meet in continued session on June 23 beginning at 4:30 p.m. at 30 Valley Street in downtown Asheville*
- *The next regular meeting of the Board will be August 4, 2009 at 4:30 p.m.*

## **PUBLIC COMMENT**

Jerry Rice commented on the revaluation stating that the Board is going to skip this year to keep the tax rate the same. He complained about the revaluation stating that the County will get their tax money.

Vice Chairman Stanley moved to continue the meeting to June 23 at 4:30 p.m.

Commissioner Peterson seconded and the motion passed 4-0.

## **CALL TO ORDER**

The Chairman called the continued meeting of June 23, 2009 to order at 4:30 p.m. in Commission Chambers at 30 Valley Street in downtown Asheville with the following members present:

David Gantt, Chairman  
K. Ray Bailey, Commissioner  
Holly Jones, Commissioner  
Bill Stanley, Vice Chairman  
Carol Peterson, Commissioner

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

*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 Jones stated that she had the appearance of a potential conflict due to the YWCA having a contractual agreement with the County. The YWCA receives state and federal government subsidies for low income families. She stated that none of her salary as Director of the YWCA comes from these funds and she wanted to clear up any appearance of a potential conflict.

The County Attorney said that Commissioner Jones had cooperated fully in trying to work out the appearance of a conflict and he read a portion of the letter from the YWCA Board President which is attached to the minutes stating that there was no conflict of interest. The letter stated that Commissioner Jones was not involved in the day-to-day operations and oversight of the childcare services and that none of her salary came from the childcare department. Mr. Connolly said that after a review of the matter and consultation with the NC School of Government, he felt that Commissioner Jones did not have a direct benefit from county funds and was therefore eligible to vote on the County's FY2010 budget.

## **DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA**

Commissioner Peterson moved to approve the consent agenda as presented.

- **Special Revenue Capital Projects Ordinance**
- **School Capital Commission Fund Project Ordinance**
- **Grant Project Ordinance**
- **Capital Projects Ordinance**
- **School Bond Fund Project Ordinance**
- **Resolution Authorizing the Chairman to Execute an Agreement with the City of Asheville for Placement of the Energy Loop Sculpture**
- **Consent to Assignment of Agreement for Lease and Purchas of Real Property**

Commissioner Stanley seconded and the motion passed 5-0.

## **NEW BUSINESS**

- **Adoption of FY 2010 Budget**

The County Manager gave a summary of the Budget Ordinance as presented, including a power point presentation. She said that the \$327.9 million budget includes a reduction of 86 positions, cuts in every department and maintains a 52.5 cent tax rate. Commissioner Bailey stated that the adoption of the budget was held until today waiting to see how the State's budget might impact the County. The Manager said that she did not anticipate any major negative impact on the County's budget. Commissioner Jones said she would like to see any savings from salaries and benefits in this budget used to pay down the fund balance. The Manager said it was her goal to use none of the fund balance in this budget.

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

- **Consolidated Call Center Intergovernmental Agreement**

The County Manager asked the Commissioners to add to the agenda the discussion of the Consolidated Call Center Agreement and to consider authorizing her to sign the agreement after legal review. She said that termination of the inter-local agreement would include the following:

- *ownership for city dispatch equipment will be transferred to the city.*
- *the City and County individual communication centers will become the official back-up dispatch centers for the agency.*
- *the equipment in each center, if the agreement is terminated will be acquired and updated with 911 funds based on availability and State 911 authorization.*

Commissioner Bailey moved that the Consolidated Call Center Agreement be added to the agenda. Vice-Chairman Stanley seconded and the motion passed 5-0.

Vice Chair Stanley moved to accept the recommendation of the County Manager and authorize her to sign the addendum to the intergovernmental agreement. Commissioner Peterson seconded and the motion passed 5-0.

Commissioner Peterson moved to adjourn the meeting. Commissioner Bailey seconded and the motion passed 5-0.

The meeting was adjourned at 5:06 p.m.

---

KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

---

DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS

---

STACEY KEITH, DEPUTY  
CLERK TO THE BOARD