

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JUNE 2, 2009 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on June 2, 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  
Holly Jones, Commissioner  
Bill Stanley, Vice Chairman,  
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 ALLEGIANCE**

**INVOCATION**

Pastor Lee Harmon, 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 May 19, 2009 Regular Meeting**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Biltmore Estate, City of Asheville and Big Ivy Community Center)**
- **Budget Amendment – Fund 10 – Health Center \$14,017**
- **Grant Projects Ordinance**
- **School Capital Commission fund Project Ordinance**

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

**GOOD NEWS**

- **Introduction of Steve Duckett, Cooperation Extension Director**

Jon Creighton, Assistant County Manager, said that he had been a part of the extensive interview process to hire a new Cooperative Extension Director to replace Ken Reeves who retired in December. Steve Duckett, who had worked for the County from 1997 to 2005 and then moved to Rutherford County as the Cooperative Extension Director, was chosen. Mr. Creighton said that Mr. Duckett's father owns a farm in Sandy Mush and has given several conservation easements in excess of 250 acres.

Mr. Duckett said that he was privileged to be back in Buncombe County and serve his home community. Commissioner Peterson stated as part of the farming community how excited they were to have Mr. Duckett back in the County.

## COUNTY MANAGER'S REPORT

- **Community Child Care Study**

Leslie Anderson said that the County commissioned the study (attached to the minutes) which is fundamental to the health of the community. She said that child care is a complicated topic and the study attempted to grasp the needs for specialty child care (non-traditional care) and its affect on children. As part of the study, she talked with working parents; human resource managers and child care providers. She said that the report found that there is a gap in the county for this type child care. Thirty seven percent of those surveyed, said that they cannot work because they can't find child care and can't afford the care that is available.

Commissioner Jones asked if the County could target funds that were saved within the County's child care department realignment to be used to address this issue. (*it was pointed out that this was a part of the strategic plan*). Commissioner Jones asked if the economic development incentives should include sick time as part of the requirements. The Board members thanked Ms. Anderson for her work.

- **Mental Health Legislation Update**

Mandy Stone, Assistant County Manager, said that the State is considering taking the local fund balance out of the Mental Health Local Management Entity (LME) to address the state budget shortfall. She said the impact of that move by the state would take money from crisis stabilization; funding for psychiatric treatment; indigent consumers lab work and other services paid for out of our local fund balance. She said that if they take these monies the county will have no discretionary money to fill gaps and invest locally. She said that the State has already held LME payments of \$4.4 million which have been covered to providers by the County's local fund balance. Without these fund balance funds, these providers would not have been paid putting many out of business and leaving thousands of consumers un-served. She gave some history of the New Vistas closure and the successful use of fund balance during that closure. She said that the County would not have a crisis stabilization unit without using the trust fund and fund balance that the state is threatening to take to balance their own budget.

Commissioner Peterson moved to have a resolution prepared expressing the County's opposition to having this fund balance taken by the State. Commissioner Stanley seconded the motion and it passed 5-0.

## NEW BUSINESS

- **911 Consolidated Call Center – Memorandum of Agreement**

Kim Pruet, IT Director, gave a history of the consolidated call center housing the 911 calls for the Asheville Police, Emergency Operations Center (EOC), and Sheriff under one roof. The EOC and Sheriff moved into the center and went live on July 20, 2008. Mack Salley, EMS, said that this move was a joint effort of City and County dispatch and IT staff. The central location provided rapid and effective communications allowing Sheriff and EOC personnel to interact. He said that the Asheville Police personnel will join this location when the agreement is final.

Mike Frue, Assistant County Attorney, said that there is an intergovernmental agreement from September of 2003 to consolidate the response system. A new agreement to has been prepared addressing what is covered by 911 funds. In 2003 the City gave up an opportunity be its own call center. The County agreed to construct the call center and would use the 911 funds. The agreement includes three personnel for Asheville Fire and Rescue funded and paid for by the City. Equipment and maintenance will be funded by the County at an accommodation amount included in the agreement. Termination of the agreement by the City would allow them to keep the equipment assigned to them. If the County terminates the agreement, the County will pay \$2.5 million to cover the City's creation of their own system.

Commissioner Stanley questioned why the City would not owe the County any money if they leave the agreement. Commissioner Jones said that the City gave up their ability to get 911 funds for several years and they want that money back if the County gets out of the agreement.

Jerry VeHaun, EMS Director, gave a history of the 911 system in the County. Initially, the County elected to take on responsibility for the 911 system and the City did not participate. The 911 funds came to the County until several years ago when the City was eligible to operate their own 911 system. Under a new law, there can only be one funded call center in each County.

Jon Creighton, Assistant County Manager, said that the County renovated a building adding an addition for the call center at \$3.1 million; added a garage at \$500,000 and a radio system. The County spent \$6.6 million on the whole center to get everyone under one roof. The County has spent much more than was collected in 911 fees to provide the facility.

Jeff Richardson, Assistant City Manager, said that in the 2003 agreement the County agreed to transfer upon termination of the creation of the call center, what the City could have collected from the 911 agreement. If the City had to create it's own center it would cost \$2.5 million.

Kim Pruet, County IT system, said that the back up site for the call center is the City's municipal system. The cost to create this site was \$2 million. Less than half came from 911 funds.

Commissioner Jones said that she had been told numerous times that the problem with the City and County relationships is elected officials and not the staff and expressed her desire to see the agreement approved as presented.

The County Manager said that the termination clause was a contentious piece of the agreement and she could take the agreement back to the City for clarification and renegotiation.

Commissioner Peterson made a motion to have the County Manager work with the City Manager to find out a better memorandum and a better termination clause (Section 8B and C) and to come back to this Board no later than first meeting in August and as soon as possible. Commissioner Stanley seconded this motion.

The motion passed 4-1:

AYES: Chairman Gantt, Vice Chairman Stanley and Commissioners Bailey and Peterson.

NOES: Commissioner Jones voted in opposition to the motion stating her support for the agreement as presented.

- **Health Center Billing Guide 2009/10**

Jim Holland, HSST, presented the billing guide saying that the Health Center can bill for services as long as they have a plan like the one presented in place; they are not providing the services as an agent of the state; and that the charges are not against the law. The guide he presented was approved by the Board of Health on May 14.

Commissioner Stanley moved to approve the 2010 Health Center Billing Guide as presented. Commissioner Bailey seconded and the motion passed 5-0.

- **Resolution Affirming the Importance of Mountain Mobility's Black Mountain Trailblazer Service and Related Transit Services in the French Broad River MPO Region and Requesting the Continuation of Funding from the NCDOT and FTA**

Denise Braine, Planner, said that the Commissioners approval of this resolution would help preserve the funding for the Black Mountain Trailblazer Service that began in 2002 and has had steady growth. She said that these services are very important to these citizens.

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

- **Resolution Approving the Change of Maintenance for Certain Roads from NCDOT to the City of Asheville**

Commissioner Stanley moved to approve this resolution, Commissioner Peterson seconded and the motion passed 5-0.

Commissioner Jones acknowledged the fact that the City was the low bidder on the sidewalk construction contract behind the Detention Center.

## **BOARD APPOINTMENTS**

*Commissioner Jones noted that there is a citizen, Michele Pace Wood, serving on both the Planning Board and Board of Adjustment. She asked for a legal assessment of any potential conflict with such simultaneous appointment. She noted her high regard for Ms. Wood and clarified that her inquiry was about the issue of dual service not about the individual serving. The Assistant County Attorney said that these two boards did not conflict but he would give the Board a formal opinion on this question.*

Vice Chairman Stanley moved to appoint **George Lycan** to an alternate position on the **Board of Adjustment**. The motion passed 5-0.

Vice Chairman Stanley moved to appoint David Hall and Laurie Cammarata to the Board of Adjustment. Commissioner Jones moved to appoint Laurie Cammarata and Marcia Szerlip to the Board of Adjustment. Chairman Gantt and Commissioner Jones voted for Laurie Cammarata and Marcia Szerlip and Commissioners Bailey and Peterson and Vice Chairman Stanley voted for **David Hall** and **Laurie Cammarata** who were appointed to the **Board of Adjustment**.

Commissioner Peterson moved to appoint **Aaron Wilson, Joe Carney and Chris Lyman** to the **Historic Resources Commission**. The motion passed 5-0.

Commissioner Bailey moved to appoint **James Robinson** to the **Adult Care Home Community Advisory Committee**. The motion passed 5-0.

Vice Chairman Stanley moved to reappoint **Patsy Keever and Robert Etter** to the **Library Board of Trustees**. The motion passed 5-0.

## **ANNOUNCEMENTS**

- *The next regular meeting of the Board will be on June 16 beginning at 4:30 p.m. at 30 Valley Street in downtown Asheville.*

## **Public Comment**

Mike Fryer said that the City withdrew on the water agreement and they took back all the park land including McCormick Field. The County paid to build that park and the City should not want money now. He asked that the Board look real hard at zoning. He referenced Houston and Dallas--Houston was a cheaper place to live without zoning. He wants the people to be able to vote on zoning.

Jerry Rice commented about the child care study and the fact that the schools call parents away from their work to deal with their children.

The County Attorney said that the Board would need a closed session pursuant to GS 143-318.11(a)(3) for a legal matter in the lawsuit regarding Blue Ridge Concrete Inc. He said no action would be after the closed session.

Vice Chairman Stanley moved to go into closed session. Commissioner Peterson seconded and the motion passed 5-0.

## **CLOSED SESSION**

The Assistant County Attorney gave the Board an update on the lawsuit filed against the County by Blue Ridge Concrete. He advised that Scott Jones would be handling the matter for the County. No action was taken.

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

**OPEN SESSION**

Vice Chairman Stanley moved to adjourn the meeting. Commissioner Peterson seconded and the meeting was adjourned at 6:35 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS