

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 7, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 7, 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
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 ALLEGIANCE

INVOCATION

Pastor Wil Hansel, Emmanuel Lutheran Church, gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Chairman welcomed everyone to the first regular meeting to be held in the Commission Chambers.

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 Stanley moved to approve the consent agenda as presented.

- **Approval of Minutes of March 17, 2009 Regular Meeting**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Black Mountain July 4)**
- **Resolution Regarding Spending of Federal Economic Renewal Grants In Buncombe County**
- **Approval of Refund of Excise Tax Paid in Error to Buncombe County Register of Deeds (Shapiro and Ingle \$1,007)**
- **Budget Amendment Fund 10 – Interfund Transfer \$25,784**
- **Special Revenue Capital Project Ordinance**
- **Capital Projects Ordinance**

Commissioner Peterson seconded and the motion passed 5-0.

GOOD NEWS

Cliff Dodson, Superintendent of County Schools, said that he was one of the chaperones for the A.C. Reynolds Symphonic Winds and Chorale who were taking 130 students to China on Thursday morning and appreciated being allowed to go first on the agenda. He said that the Commissioners understand how important it is for students to complete their high school work

and have supported the Graduation Initiative through the Eblen Foundation. He presented on behalf of Buncombe County Schools and the Eblen Foundation an award of appreciation to the Commissioners and thanking Wanda Greene and Mandy Stone for their work on this initiative.

- **Recognition of Mountain Mobility Employees**

Mr. Mac Houck with Mountain Mobility gave the following scenario involving the Mountain Mobility drivers that were to be recognized: *“Around 4 p.m. on March 5, four of Mountain Mobility’s drivers Ronald Lee, Gary Coffey, Guy Pruett, and Elaina Carter were at 240 Sardis Road picking up 20 plus passengers from Industries for the Blind when a man collapsed face forward to the ground smacking his head on the concrete. As you can imagine the area surrounding the accident was in complete disarray. The accident occurred in the middle of the 20 plus passengers who were making their way to board Mountain Mobility’s vehicles causing the crowd to go into panic, especially the victim’s wife. The three Mountain Mobility employees immediately reacted to the incident by providing first aid, alerting emergency services, comforting the victim’s wife, and directing the 20 plus passengers to their correct vehicle. It is believed that the injured individual was having a heart attack so employees reacted accordingly. The victim was rolled over onto his back by Gary Coffey who then proceeded to check the injured man’s vitals and instruct someone to call 911. After determining that the victim was still breathing and has a pulse Guy Pruett came over quickly and provided padding for the individual’s head. Gary Coffey continued to provide minor first aid for victim until EMS arrived while Guy Pruett went and comforted the man’s wife. While this transpired Elaina Carter and Ronald Lee calmed the crowd and directed Mountain Mobility’s passengers to their correct vehicles.”*

The Board members presented these employees with certificates of appreciation.

PROCLAMATION

- **Child Abuse Prevention Month**

Commissioner Bailey read the proclamation and moved for its approval. Commissioner Peterson seconded the motion and it passed 5-0. Commissioner Bailey presented the proclamation to Tammy Shook with the County Department of Social Services.

Tammy Shook presented each Commissioner with a special t-shirt. Dr. Cindy Brown with Mission’s Children Clinic, introduced the artist of the t-shirt, Lana Rose. Bill McGuire invited the Board to the Child Abuse events during the Week of April 13.

- **Special Olympics Week in Buncombe County**

Vice Chairman Stanley read the proclamation and moved for the approval of the Special Olympics Week in Buncombe County. Commissioner Peterson seconded and the motion passed 5-0. Teri Gentile with County Parks, Recreation and Greenways thanked the Board for the proclamation and the special athletes and volunteers who participate all year long. The events will April 21 at TC Roberson.

COUNTY MANAGER’S REPORT

- **County Schools Dropout Initiative Update (Cliff Dodson, Superintendent and Suzanne Swanger, Associate Superintendent)**

Shana Aldredge, Graduation Advocate at the Career Academy at Erwin High School, told the Board about the initiative which had been in operation for 8 months as part of the dropout prevention program. The Career Academy puts emphasis on career development and focuses on student interests. They have a summer internship program with paid employment for 16 of the 25 students. They have 25 middle school students targeted for the program in 2010. She said that they are very thankful for the grant funds that support this program.

Several of the Career Academy students made statements about the career academy and how it had effected their lives at Erwin High School. .

Donna Lanahan, Graduation Initiative Director, gave a power point presentation that is attached to the minutes. She estimated the cost of one student who dropouts of high school at \$127,000—based on this calculation, she said that the reduction in the number of dropouts last year represents \$8 million savings. She said that the individual students are the motivation behind the graduation initiative. She said that this is the 3rd year of the graduation initiative and the first year of the career academy.

NEW BUSINESS

- **North Windy Ridge**

Mr. Tim Fierle with County Schools gave the timeline of events that had lead to his request for funding to replace the roof at North Windy Ridge middle school. Commissioner Bailey asked about a warranty for the original roof. Mr. Fierle said they did not have a water tight warranty with that roof but would always have a water tight warranty in the future.

The original contract price was less than what will be paid at this point for the metal overlay replacement roof being done during the summer.

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

- **Stimulus Recovery Funding Update**

Jon Creighton, Assistant County Manager, gave an update on the stimulus funding and how the County will be working to access a share of the funds. The power point he presented is attached to the minutes. He said that staff would be working with Congressman Shuler and the North Carolina Association of County Commissioners to apply for funds that are available.

Mandy Stone, Assistant County Manager, gave an update on the funding that may be available for Human Service agencies. She said that federal funds must be spent before September 30 and then reapplication must be made for the next fiscal year funding. She said the state is claiming a lot of the County's funding to offset their budget shortfall.

Commissioner Peterson thanked the staff for this work. Commissioner Jones asked how many jobs the stimulus funds would create. Jon Creighton said that there will be a reporting schedule back to the federal government on how many people are put back to work and that the workforce development funds will be used to train people to go back to work. Many of the construction jobs will keep people working and put others back to work. Commissioner Jones asked about affordable housing HOME funds that could be prioritized to create the most jobs with the funding. Ms. Stone said that there is a shared data base for community service programs and they will prioritize the critical needs.

Commissioner Bailey asked for more updates as more funding is received through the process.

- **Resolution Endorsing House Bill 6 and Senate Bill 199, The Humane Euthanasia Act or Davie's Law**

Jennifer Bhruler, Director of Operations for the Humane Society, expressed their appreciation for the support of Davie's Law. She said that Buncombe County uses the humane euthanization process and this resolution will endorse that method across the state.

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

- **Approval of Refund of Excise Tax**

Mike Frue, Associate County Attorney, said that the Board is required to consider the refunding of excise tax funds and in this case the deeds were recorded in Buncombe County in error. They are requesting a refund of the excise tax paid in error.

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

BOARD APPOINTMENTS

Vice Chairman Stanley moved to appoint **Sondra Cochran** to the **Board of Adjustment for the City of Asheville** as an alternate. The motion passed 5-0.

Commissioner Peterson moved to appoint **Karen Wallace Meigs** to the **Asheville Buncombe Community Relations Council** for a three year term. The motion passed 5-0.

Commissioner Jones moved to appoint **Anthony Goodson, Jr.** and **Cynthia Crozer** to the **Asheville Buncombe Fair Housing Commission** for three year terms. The motion passed 5-0.

Commissioner Bailey moved to reappoint **Carol Peterson** to the **Asheville Buncombe Technical Community College Board of Trustees**. The motion passed 5-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be Tuesday, April 21 at 4:30 p.m. at 30 Valley Street in downtown Asheville.*

Public Comment

Jerry Rice said that he liked the new County School Superintendent, Tony Baldwin. He said there will be a change of attitude toward teachers and administrators when he becomes the Superintendent. He was concerned about the dropout percentages stating that the numbers were not a good reflection of the problem. He said that the dropout rate is still as bad as it was three years ago.

The Associate County Attorney said that there was a need for a closed session pursuant to GS 143-318.11a(3) to discuss a legal matter in the pending case 08CVS3684 Blue Ridge Concrete vs Buncombe County Board of Adjustment.

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

Discussion was held regarding the pending legal matter Blue Ridge Concrete vs. Buncombe County Board of Adjustment. The Associate County Attorney said that the court had ruled in favor of the Board of Adjustment. He said that Blue Ridge Concrete could appeal.

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

Commissioner Bailey moved to adjourn the meeting. Vice Chairman Stanley seconded and the motion passed 5-0. The meeting was adjourned at 6:30 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS