

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF MAY 19, 2009 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on May 19, 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  
Carol Peterson, Commissioner

Bill Stanley, Vice Chairman, was out of town

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 Dale Whitson, Biltmore Church of God, 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 5, 2009 Regular Meeting including May 12 Continued Meeting**
- **Release Report**
- **Western Highlands Quarterly Update**
- **Public Approval of Tax-Exempt Loan Financing for Broad River Volunteer Fire Department**
- **School Capital Commission fund Project Ordinance**

Commissioner Jones seconded and the motion passed 4-0.

**GOOD NEWS**

- **County PR Team Awards & New Edition of Buncombe Life**

Kathy Hughes, Clerk to the Board and Communications Director, said that the Public Relations Team (Judy Davidson, Stacey Keith, Max Tainter, Crawford Winstead, Anthony Peronne, Jeremy Twiggs and Ben Atkins) had received several North Carolina City and County Communication awards including First Place for a Prescription Drug Public Service Announcement; Buncombe Life program; Most Creative Project (Enough Campaign); and the county website. She also encouraged the public to get their copy of Buncombe Life resource guide.

## **PUBLIC HEARINGS**

- **Extension of Development Moratorium**

Mike Frue, Assistant County Attorney, reminded the Board why they approved the current moratorium in April as a result of the Court decision on the County's zoning ordinance. He said staff had been working to get the zoning ordinance back in place and have four actions that need to take place before the moratorium should be lifted. These include bringing the Limestone Zoning Ordinance into compliance with State statute regarding publication dates and Beaverdam and Limestone councils review of the text and maps of the zoning ordinance prior to adoption. Mr. Frue said that with the required ads, mailings and actions to be taken by the Board, the time constraints will require that the moratorium be extended.

The Chairman opened the public hearing at 4:53 p.m.

Jerry Rice asked about the technical reading of the ordinance.

No other comments were taken.

The public hearing was closed at 4:54. p.m.

Mr. Frue said that the Board is in compliance with all legal requirements if they state they have read and understand the ordinance as presented. All members present gave consensus that they had read and understood the Ordinance Extending the Development Moratorium.

Commissioner Bailey moved to approve the ordinance as presented. Commissioner Peterson seconded the motion and it passed 4-0.

- **Closeout of 2004 Community Development Block Grant Funds**

Cynthia Barcklow, County Planner, said that the hearing was to consider the closeout of the 2004 community needs CDBG for eligible homeowners. Over 200 applications were accepted and the grant helped 5 eligible families. She read some comments from recipients of the grant funds who were grateful for the help. She said that a total of \$371,394 in grant funds were spent. She said that there are additional funds available through other grants and she asked the public to call the Planning Department if they were interested.

The Chairman opened the public hearing at 4:58 p.m.

No comments were taken. The hearing was closed at 4:58 p.m.

Commissioner Peterson moved to approve the closeout of the block grant funds as presented. Commissioner Bailey seconded and the motion passed 4-0.

- **Certificates of Participation (COP) Projects**

Donna Clark, Finance Director, said that this hearing is to consider the interim financing for Leicester Crossing, Animal Shelter; Pack Library and costs for Coxe Avenue expansion planning. She asked the Board to approve two resolutions after the public hearing. One was a refinancing of the 1998 COP that would save the County \$500,000 and the other resolution was for new projects.

The Chairman opened the public hearing at 5 p.m.

No comments were taken and the hearing was closed at 5:01 p.m.

Commissioner Peterson moved to approve **Resolution Approving an Amendment to an Installment Purchase Contract and Related Matters and Resolution Approving an Installment Financing Contract to Provide for the Acquisition, Construction, Furnishing and Equipping of Certain Projects Set Forth Therein** as presented. Commissioner Bailey seconded the motion passed 4-0.

- **FY 2010 Budget**

The Chairman opened the public hearing on the FY 2010 Budget as presented by the

Manager at the last meeting.

The Chairman opened the hearing at 5:01 p.m.

Eric Gorney asked for a 5 cent cut in the tax rate. He said he works in construction and that the Commissioners should do everything to help poor people.

Jerry Rice asked about the 2.4 percent projection for the 2010 budget. He asked about human services budget reduction. He commended the County Manager for her work in keeping the County going. The Chairman asked the Manager to get Mr. Rice an answer to his questions.

The Chairman closed the hearing at 5:09 p.m.

Commissioner Jones said that there are vital community services that are non-core services and she wants these services to continue -- including libraries and public health education.

The Chairman said that the Commissioners have a moral obligation to do more than the core services.

Commissioner Peterson thanked the County employees that were present and she thanked them for the great work that they do and for bringing in the budget that is workable at this level. She thanked them for the management of the funds that they govern.

Commissioner Jones said that the Board should look at reducing the amount of funds the Commissioners spend on training and travel. She asked the public to call her if they have questions on the budget.

## **COUNTY MANAGER'S REPORT**

- **Update on Economic Development (Ben Teague, Senior Vice President of Economic Development, Asheville Chamber)**

Ben Teague, Senior Vice President of Economic Development with the Asheville Chamber, gave a power point on efforts of the economic development coalition to grow and retain jobs for our area. He reviewed a program for mapping trends in the area (wages, occupations, etc) that would be available at the chamber's website.

Commissioner Bailey, who serves on the EDC, said that tracking trends in economic development is a fresh new approach to looking at where the County is and where it needs to be in relation to attracting good jobs and wages to our area.

Commissioner Jones said that people need jobs and she hoped that he was successful in his approach in tracking clusters. She asked about collaboration and the HUB alliance as well as other organizations and about support for existing businesses. Mr. Teague said that was certainly part of his efforts and would continue to report on their successes.

- **H1N1 Update (Gibbie Harris, Health Director)**

Gibbie Harris, Health Director, said that the H1N1 situation is still being tracked and would continue to see additional cases through the summer. She said that there are states all around North Carolina with higher case numbers based on the way that the states are testing. There are no confirmed cases in Buncombe County. She said that this outbreak has emphasized the partnerships that are in place and the importance of making public health a part of the emergency management. She commended her staff especially Chris Emory and Eddie Shook for writing and working on the emergency plans that were used in the past weeks. She said that the communications worked well and the public should feel at ease that the plans and operations are in place to handle future outbreaks.

Commissioner Peterson as representative on the Board of Health, commended her and her staff for their work to keep this issue under control.

## **NEW BUSINESS**

- **Workforce Investment Act Update**

Helen Beck, Workforce Investment Director, said that the County is the grant recipient for the Workforce Investment Act, serving four Counties. She gave a power point that is attached to the minutes. She said that her office has received funding of \$2.8 million in workforce funding. This is double the normal funding. They are going to try and double the number of individuals served in the past year.

Phil Monk, Business Services Director, said that the workforce system challenges include loss of jobs but attempt to preserve the skilled workforce. He said that summer youth jobs have been in great demand and are for low income families. They could serve 328 youth in summer and year round assistance.

- **Budget Amendments: Fund 22 – WIA \$533,356; Fund 10 – Parks, Greenways and Recreation \$27,600; Social Services \$75,064; Crisis Intervention \$60,000**

Donna Clark, Finance Director, reviewed the budget amendments which included some stimulus/recovery act funds.

Commissioner Peterson moved to approve the budget amendments as submitted. Commissioner Jones seconded the motion and it passed 4-0.

## **BOARD APPOINTMENTS**

Commissioner Peterson moved to appoint **James Wilson** and **Peggy Mann** to the **County Board of Adjustment**. The motion passed 4-0.

Commissioner Bailey moved to appoint **Kimberly West** and **LaSaunta Wilson** to the **Community Transportation Advisory Board**. The motion passed 4-0.

Commissioner Jones moved to appoint **Dan Garrett** and **Gordon Smith** to the **Homeless Initiative Advisory Committee**. The motion passed 4-0.

## **ANNOUNCEMENTS**

- *The Board will meet in continued session on June 2 beginning at 4:30 p.m. at 30 Valley Street in downtown Asheville.*

## **Public Comment**

Eric Gorney asked the Board for a 5 cent cut in the tax rate. He said that this is something that the Board could do to help the poor people. He wants a vote on zoning. He should include the vote on the ballot in November and hear from the people. He said that zoning is harder on poor people and minorities.

Jerry Rice made comments about closed session and attorneys and suggested that the amount of money spent on attorneys be cut. He wants to review the legal work and how much it costs the county. He thinks the public should know how much the County spends.

The County Attorney said that the Board would need a closed session pursuant to GS 143-318.11(a)(3) for a legal matter and (4) an economic development matter. He said no action would be after the closed session.

Commissioner Bailey moved to go into closed session. Commissioner Peterson seconded and the motion passed 4-0.

## **CLOSED SESSION**

The Board discussed an economic development incentive for the expansion of an existing business that would bring 62 jobs over 3 years. The Board gave consensus for the Assistant County Manager to continue with this request.

The Assistant County Manager reviewed a potential legal matter regarding the concrete plant that would like to locate in northern Buncombe County. No action was taken.

Commissioner Bailey moved to return to open session. Commissioner Peterson seconded and the motion passed 4-0.

**OPEN SESSION**

Commissioner Jones moved to adjourn the meeting. Commissioner Bailey seconded and the meeting was adjourned at 6:45 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS