

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF SEPTEMBER 1, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 1, 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; Jon Creighton, Assistant County Manager Planning Director; Mandy Stone, Assistant County Manager; DSS Director; 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

Father Frank Seabo, St. Joan of Arc Catholic Church, 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 August 18, 2009 Regular Meeting**
- **School Capital Commission Fund Project Ordinance**
- **Capital Projects Ordinance**
- **Parking Deck Capital Project Ordinance**
- **Budget Amendment – Fund 10 Carry Forward (\$267,870)**

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

GOOD NEWS

- **4-H Successes**

Jeff Bradley, Cooperative Extension Director, and members of the 4-H program (Laura Nelson Kelsi Cartwright, Tucker Worley, Seth Austin, Ty Worley) told the Board about their recent successes in showing livestock and other state competitions.

PROCLAMATION

- **Pat Smith Day**

Commissioner Peterson read a proclamation and presented it to Pat Smith, Director of Community Foundation of WNC. Commissioner Peterson moved to approve the proclamation. Vice Chairman Stanley seconded and the motion passed 5-0. Ms. Smith said that the Foundation has made over \$110 million in grant funds available and has responded as needs

have changed as evidenced with over \$1 million raised in recession response funds.

PUBLIC HEARINGS

- **Closing of Easement**

The Chairman opened the public hearing at 4:48 p.m. Mike Frue, Associate County Attorney, said that the affidavits of closing and posting had been filed with the Clerk. He said that the closing would not be detrimental to adjoining owners and had heard no objections.

No comments were made and the hearing was closed at 4:51 p.m.

Commissioner Jones moved to approve the order closing the road. Commissioner Bailey seconded and the motion passed 5-0.

- **Ordinance Amending Chapter 62, Article II (Solid Waste Ordinance) of Buncombe County Code**

The Chairman opened the public hearing at 4:51 p.m. Jerry Mears, Solid Waste Director, reviewed the changes in the ordinance as outlined in the attachment to the minutes. He said most of the changes were minor and simply bringing the ordinance up to date. The most significant change required franchised collectors to transport waste collected from the municipalities to the county's landfill facility.

Mike Fryer asked about the cost of disposing of Compact Florescent Lamps (CFL).

Jerry Rice asked if changing the name of the department would result in adding more personnel to the department. He asked if requiring all trash to the landfill would shorten the life of the landfill. He asked if there were plans to site another landfill in the future.

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

Mr. Mears said that the CFL's are a part of a collection program at the fire departments where citizens can drop them off for disposal at no charge. Recyclers take the bulbs at no cost to the residents as a service to keep the bulbs out of the landfill. He said that there will be no new personnel in the department as a result of ordinance changes. He said that taking the garbage will fill up the landfill faster but the County must have a certain amount of garbage to make it self supporting. He emphasized that the County is implementing many programs to keep certain things out of the landfill making the space last longer. Mr. Mears described the bioreactor project, one of only two in the United States

Commissioner Jones thanked Mr. Mears for all his work and she encouraged the reduction of the waste stream. She said that the amendment to the franchise agreements requiring the County's trash to be taken to the County's landfill was responsible.

Commissioner Peterson moved to adopt the ordinance as presented. Commissioner Bailey seconded and the motion passed 5-0.

COUNTY MANAGER'S REPORT

- **Flu Season Update**

Gibbie Harris, Health Director, gave an update on the upcoming flu season. Her presentation is attached to the minutes. She reviewed the vaccination plan for H1N1 and seasonal flu.

NEW BUSINESS

- **Resolution Referring Text, Maps and Flood Insurance Study Report Related to the Proposed Amendment to Chapter 34, Article II of the County Code – Flood Damage Prevention—To the County Planning Board**

Cynthia Barcklow, County Planner, said that this resolution would recommend to the Planning Board the flood plain maps and texts as presented for their review. (*The maps and text are attached to the minutes of this meeting*). She gave a review of the work done to finalize these maps stating that they are available on the County's website. The maps must be adopted by January of 2010.

Commissioner Jones asked if the flood reduction task force would be reviewing this ordinance. Ms. Barcklow said that there will be a review and discussion of the changes.

Commissioner Jones asked for public comment on this topic. None was taken.

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

- **Resolution Authorizing the Execution of a Contract for Architectural Services for Design of the Courthouse Life Safety Tower Addition**

Jon Creighton, Assistant County Manager, said that in 2007 a judicial facilities task force was appointed to look at the safety of the Courthouse. He said that task force looked at the needs of the courthouse for the next 20 years and at different ways to solve the structural and building code problems. The life safety tower and addition was the best resolution. He said that architectural services for this life safety tower include two stair wells, two secure elevators, general public elevators, and rest room facilities. He said that five architectural firms were interviewed and this is the final recommendation.

Commissioner Peterson moved to approve this resolution as presented. Vice Chairman Stanley seconded the motion.

The total cost of the project is \$24 million plus \$2 million for renovations at the Health Center to house the tax office that will be moved out of the Courthouse. The cost of renovations of the top five floors would be in addition to this plan. The entire plan would be around \$80 million. The motion passed 5-0.

- **Appointment of New County Attorney**

The Vice Chairman Stanley moved to nominate Mike Frue as the new County Attorney. Commissioner Peterson seconded the motion and it passed 5-0.

Mr. Frue introduced his wife, Roxanne, and thanked the Board for their endorsement of him as the County Attorney and accepted the appointment. He thanked the Manager and the Senior Leadership team, for their support and confidence.

The County Attorney took questions from the press regarding his appointment. The Chairman announced that the current County Attorney will remain on contract basis during the transition.

BOARD APPOINTMENTS

Commissioner Bailey moved to appoint **Paige Dickens** to the **Tourism Development Authority**. The motion passed 5-0.

Vice Chairman Stanley moved to appoint **Adam Banner** to the **Nursing Home Community Advisory Committee**. The motion passed 5-0.

Commissioner Peterson moved to appoint **Suzanne Molloy** to the **Parks, Greenways and Recreation Services Advisory Board**. The motion passed 5-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be September 15, 2009 at 4:30 p.m.*
- *County offices will be closed in observance of Labor Day on Monday, September 7, 2009*
- *The Board will attend the meeting of the Biltmore Forest Aldermen on September 8, 2009 at 4:30 in their meeting room at 355 Vanderbilt Road in Biltmore Forest.*

PUBLIC COMMENT

Commissioner Jones said that the County's Library System's "Together We Read" program was currently featuring a local author Barbara Kingsolver and her book entitled Animal, Vegetable, Miracle. She is reading the book and recommended it to the community.

Mike Fryer commented on the tax increase by the state. He questioned the state's intentions and asked that the Board not plan to raise taxes in the future.

Jerry Rice congratulated Mike Frue as the new County Attorney. He told a story about the flu from many years ago and he thinks this generation doesn't have the right nutrition to fight disease.

The County Attorney said, pursuant to GS 143-318.11a(3) the Board would need a closed session to discuss two legal matters involving Blue Ridge Concrete vs Buncombe County and a workers compensation claim. He said no action would be taken after closed session.

Commissioner Bailey moved to go into closed session for the reasons cited by the County Attorney. Commissioner Peterson seconded the motion and it passed 5-0.

CLOSED SESSION

The Board discussed the workers compensation claim involving a former landfill employee. The Board gave consensus for our attorney to offer a possible settlement in that matter.

The Board, along with attorney Scott Jones, discussed the lawsuit brought against the County by Blue Ridge Concrete in light of recent legislation. No action was taken.

Commissioner Bailey moved to return to open session. Vice Chairman Stanley 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 6:45 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS

