

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF SEPTEMBER 15, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 15, 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, County Attorney.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Chairman Gantt 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 September 1 , 2009 Regular Meeting**
- **Decline the Offer to Purchase. 08 Acre Parcel from the County Board of Education**
- **Resolution Authorizing the Execution of an Agreement Between Buncombe County and CDM Constructors, Inc. for the Landfill Gas to Energy Project**
- **Release Report**
- **Resolution of Support for Submittal of a Proposal to the Federal Highways Tiger Grant Program**
- **Special Revenue Capital Project Ordinance**
- **Grant Project Ordinance**
- **Capital Projects Ordinance**
- **Solid Waste Capital Project Ordinance**
- **Budget Amendment – Fund 10 Register of Deeds; Youth Services (JCPC) \$579,804**

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

GOOD NEWS

- **Food Assistance Team Productivity Award**

Tim Rhodes, Economic Services Manager with Social Services, said that the Food Assistance Division had been recognized by the NC Association of County Commissioners as the recipient of a productivity award for 2009. The Association selected this team, as one of 10 from across the state to receive this award. He described the accomplishments of the team including the reduction in waiting time in the lobby from 57 minutes in 2007 to about 9 minutes today.

Marty Phillips, Manager of the Food Assistance Team introduced the staff who won: Erin Hinderlight; Angie Jenkins; Linda Rogers; Dottie Medford; Karen Hart and Margie Allman.

Vice Chairman Stanley congratulated the winners stating that this is the 4th or 5th productivity award that the County has received.

PROCLAMATION

- **Minority Enterprise Development Week**

Commissioner Peterson read the proclamation and moved for its approval. Vice Chairman Stanley seconded and the motion passed 5-0. Brenda Mills accepted the proclamation and introduced Joyce Harrison, Self Help Credit Union Director who had been helping with the MED week activities. She highlighted the events planned for the week and thanked the Board for their support in strengthening the entrepreneurs and minorities in this area.

- **Honoring the DayStay Program**

Commissioner Bailey read the proclamation celebrating 5 years of adult day services and moved for its adoption. Vice Chairman Stanley seconded and the motion passed 5-0. Commissioner Bailey presented this proclamation to members of the Day Stay program. Mr. Alvin Hall and Judy Shelton thanked the Board for the recognition.

- **Resolution in Support of the Honor and Remember Flag as an Official Symbol to Honor Members of the Armed Forces Who Have Died in the Line of Duty**

Vice Chairman Stanley read the resolution and moved for its approval. Commissioner Peterson seconded and the motion passed 5-0. Vice Chairman Stanley thanked Jam Banks and Josh O'Connor for their work on the resolution and recognized Randy Ray, former County employee, who lost his son, also a County employee, in the war in Iraq.

PUBLIC HEARINGS

- **Lease and option to Purchase Property Between Buncombe County and Irene Wortham Center for Property at 32 Compton Drive**

Mandy Stone, Assistant County Manager, said that the County's strategic plan includes realignment of services through partnerships to expand capacity. The Irene Wortham Center is running the Community Child Care Center in West Asheville where they serve developmental needs children. Since taking over the center from the County, they have expanded care by 10 children with less funding. She asked for the Board's approval of the lease agreement with option to purchase subject to their maintenance of care and standards. The option to purchase would come back to the Board before execution.

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

Jerry Rice said that his first job was working with Irene Wortham Center he was in support of the lease.

No other comments were taken.

The public hearing was closed at 5:02 p.m.

Vice Chairman Stanley moved to approve the lease as presented. Commissioner Jones

seconded and the motion passed 5-0.

- **Department of Transportation Secondary Road Priority List**

Ed Greene, Division Maintenance Engineer with Department of Transportation said that this hearing was a requirement of the general statutes. He introduced Jeff Moore, District Engineer who presented the secondary road program as attached to the minutes with a budget totaling \$1,771,000.

The Chairman opened the public hearing at 5:06 p.m.

Erin Penland asked about a problem on Mills Gap Road involving a bubble in the road. Mr. Moore said he would investigate this problem.

The hearing was closed at 5:10 p.m.

Vice Chairman Stanley reminded everyone that the Commissioner have nothing to do with the ranking or paving of the roads.

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

NEW BUSINESS

- **Ordinance Granting Exclusive Franchise for Collection and Disposal of Solid Waste and Collection of Recyclables in Unincorporated Areas of the County**

Jon Creighton, Assistant County Manager, said that the residential franchise agreement for garbage pickup will expire on December 31 of this year. He reviewed the requirements of the request for proposals (RFP) stating that it included the area outside municipalities or unincorporated areas of the county. The haulers would be responsible for marketing their recyclables; bringing all waste to the transfer station or landfill; maintaining an office in the county and hauling garbage and recyclables separately. He said that three bidders met the requirements of the RFP.

(The Board allowed public comment on this item)

Mr. Isenhower with GDS/Republic industries said that he spoke for his 75 employees in the Asheville location. He said that 56 of these employees live in Buncombe County. He asked the Board to consider the local experience of his employees. He said that they have 30 drivers that pick up daily and 3 customer service agents located in the county. They pay over \$50,000 in county taxes and bring \$2.2 million of garbage to the landfill for disposal. He said that they deliver over \$1 million to landfill in commercial and industrial waste hauled in the area. He thanked the Board for the privilege of providing the service for the past 10 years.

Don Yelton said that the RFP and bids submitted did not explain recycling and he wanted to hear a better detailed explanation of how these companies would handle recyclables.

Allen Ditmore opposed raising the garbage bag limit from 4 to 5 per household.

Bob Hyres with Waste Pro said they have 87 franchises throughout the southeast. They have over \$80 million in cash to begin the process and will make Asheville the headquarters in North Carolina.

Tim Doland, Regional Vice President with Waste Pro, said that recycling and garbage pickup would be run separately. They would be using new vehicles and a new route efficiencies program that would track complaints and problems and be open for residents to review.

Holly Bullman, Land of Sky Regional Planner and President of the Recycling Association spoke in favor of GDS and their work to recycle. She reviewed the recycling programs offered in conjunction with GDS who helped to get recycling services to the schools for paper, cardboard, bottles and cans.

Pat Oblit with Waste Industries said that they were founded in 1970, headquartered in Raleigh, and serve 260 municipalities. They will offer the recycling services in a packer truck.

Norma Inez, with Waste Industries said that they are the largest recycler of ABC bottles in North Carolina and know how to handle large contracts.

Vernon Tynes with Waste Pro read a brief statement regarding commitment to hiring local drive crews to keep local jobs in the community. He outlined the wages and benefits offered to employees.

Pat Rogers with Waste Pro said that their recycling trucks would be clearly marked and would be delivering recyclables to Curbside Management. They will not allow co-mingling of recyclables.

Bob Christy, attorney for Waste Pro, said that his client had a good record of charitable support in the 87 franchised areas that they cover.

Jerry Rice suggested that the Board do more investigation and consider the displaced workers and the community impact.

David Duke with Waste Industries said that the staff did a good RFP and was happy to offer a proposal. He complimented the County's solid waste program stating that Waste Industries had over 260 governmental contracts and had been around for 38 years and were confident in the price that they quoted.

Jerry Mears, Solid Waste Director, said that the staff had completed an extensive evaluation process to recommend the best possible waste hauler in the County at the lowest rate. He thanked the bidders and the County's evaluation team. The recommendation was not based on cost alone. He received the criteria used to rank the bids and gave the final recommendation of Waste Pro USA. He pointed out that this recommendation was not binding to the Board of Commissioners.

Mike Frue, County Attorney, said that if the company winning the franchise ran into trouble, the franchise could be revoked. He said that the standard by which the franchise is granted is to award to the hauler that could provide the best, most efficient service to the areas of the County. This ordinance will require another reading on October 6.

Commissioner Stanley expressed his concern that Waste Pro and Waste Industries didn't have trucks in this area and no experience with mountain roads and weather conditions.

Commissioner Stanley moved to award the contract to GDS. The motion failed for a lack of a second.

Commissioner Peterson moved to award the franchise to Waste Pro based on recommendations of the committee. Commissioner Jones seconded the motion.

Commissioner Bailey said that no one he spoke with had any problems with GDS but all wanted the lowest possible cost. Vice Chairman Stanley expressed his concern for the GDS employees that would lose their jobs.

The motion passed as follows:

AYES: Commissioners Gantt, Bailey, Peterson and Jones

NOES: Commissioner Stanley

- **Intergovernmental Agreement Between the City and County (Consolidated Response Center)**

Mike Frue, County Attorney, said that the agreement was for the consolidated emergency response center housing the City and County 911 services. He said that the City and County had reached an agreement regarding the 911 funding

Commissioner Bailey moved to approve the interlocal agreement as presented. Commissioner Peterson seconded and the motion passed 5-0.

- **Resolution Making Certain Statements of Fact Concerning Proposed Bond Issue and Resolution Introducing and Adopting the Refunding Bond Order and Directing the Publication of the Bond Order**

Donna Clark, Finance Director, summarized the documents stating they involved low interest school bonds for which the schools have applied. Local school systems can't issue debt so the County would be executing the bonds for these systems.

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

- **Resolution Authorizing the Finance Director to Prepare an Application to the LGC for Approval of the County's Proposed Bond Financing and to Submit Such Application to the LGC and Set a Date for a Public Hearing**

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

Ms. Clark asked for their approval of a refinancing of General Obligation bonds that would save the County considerable interest. Commissioner Bailey moved to approve this request. Commissioner Peterson seconded and the motion passed 5-0.

Ms. Clark asked that the Board set the public hearing on the refinancing for October 6, 2009. Commissioner Bailey moved to approve this request. Vice Chairman Stanley seconded and the motion passed 5-0.

BOARD APPOINTMENTS

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

ANNOUNCEMENTS

- *The next regular meeting of the Board will be October 6 at 4:30 p.m.*
- *The Board will attend the workshop meeting of the Weaverville Town Council on September 21, at 5 p.m. at the Weaverville Fire Station at 3 Monticello Road in Weaverville*
- *The Board will hold a workshop to discuss affordable housing on September 22 beginning at 3 p.m. in the County Training Room at 199 College Street in downtown Asheville.*

PUBLIC COMMENT

Erin Penland said, as a Marine he appreciated the Honor and Remember flag but would like to see an addition of POW/MIA. He said that the CTS groundwater contamination site continues to produce positive wells almost 1 mile away and above the toxic limit. He asked for help. Mandy Stone, Assistant County Manager said that the individual with the contaminated well had been put on City water. Chairman Gantt asked for a report on the CTS site at a future meeting.

Jerry Rice said that the CTS monitoring council should be kept up to date on the State and Federal work on the site. He wanted to know what happened to the pay as you go system for school construction that the School Board promised to follow in 1993.

Vice Chairman Stanley moved to go into closed session pursuant to GS 143-318.11 (3) to consider two legal matters involving a workers compensation matter and the Blue Ridge Concrete versus Buncombe County matter. No action would be taken following the closed session. Commissioner Bailey seconded and the motion passed 5-0.

CLOSED SESSION

The County Attorney reviewed a workers compensation claim and the up coming mediation. The Board gave consensus to settle the claim.

The County Attorney updated the board on the status of the Blue Ridge Concrete versus Buncombe County legal matter. The Board gave consensus to seek a possible settlement and report back to the Board.

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