

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 5, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 5, 2011, 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:

Commissioner Peterson called the meeting to order with the following members present:

Holly Jones, Commissioner
Carol Peterson, Commissioner
K. Ray Bailey, Commissioner

David Gantt, Chairman, was out of town
Bill Stanley, Vice Chairman was absent due to illness

The Board gave consensus to allow Commissioner Peterson to act as Chair.

Staff present were: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/DSS Director; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, County Attorney.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Acting Chair Peterson gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Acting Chair reminded the Board that in accordance with the Code of Ethics as adopted by this Board, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. She 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 Bailey moved to approve the consent agenda as presented.

- **Approval of Minutes of March 1, 2011 Regular Meeting**
- **Resolution Authorizing the Submission of a Grant Application and Related Documents for Criminal Justice Partnership Program**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (retroactive)**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Big Ivy, Civic Center)**
- **Resolution Authorizing the County Manager to Execute a Grant Agreement for Project 3,36-0005-39-2011 at the Asheville Regional Airport**
- **Release Report**
- **School Capital Commission Fund Project Ordinance**
- **Special Revenue Capital Projects Ordinance**
- **Grant Project Ordinance**
- **Budget Amendments: Fund 71 – Sheriff Forfeiture; Fund 22 – WIA; Fund 10**

Commissioner Jones seconded the motion passed 3-0.

PROCLAMATION

- **Recognition of Otto DeBruhl**

Mr. DeBruhl retired in January of 2011 after 32 years of public service as the Register of Deeds. The Board presented Mr. DeBruhl with a clock thanking him for his years of service to Buncombe County. Mr. DeBruhl thanked the Board for the recognition, praised the current County Manager for her professionalism and assistance and introduced his family including his wife of 50 years.

COUNTY MANAGER'S REPORT

- **Community Health Rankings Report (Gibbie Harris, Health Director)**

Gibbie Harris, County Health Director, gave the report that is attached to the minutes. She explained the way the assessment was performed and how the rankings were determined. She reviewed the core services of the Department of Health and the priority areas that they will be focusing on in the coming years. Acting Chair Peterson thanked Ms. Harris for her work in leading the County in health issues and for a job well done.

PUBLIC HEARING

- **Re-Zoning Request: R-1 to CS – Barbara Cooper Moore**

Debbie Truempy, County Planner, explained the request to rezone lots located off Highway 70 from R-1 to Commercial Service. She said that the area was a mix of uses and the rezoning would be consistent with the land use plan and not detrimental to the surrounding community. The Planning Department and Planning Board recommend the rezoning. The Planning Board held a public hearing and only heard comments in support of the request.

The Acting Chair opened the public hearing at 5:02 p.m.

Steve Moore, husband of Barbara Moore, petitioner, spoke in favor of this request for rezoning.

Dave McMahan, Realtor, spoke in favor of this rezoning. He said that commercial service zoning fit rezoning plan.

The hearing was closed at 5:04 p.m.

Commissioner Bailey moved to approve the statement of consistency as presented. Commissioner Jones seconded and the motion passed 3-0.

Commissioner Bailey moved to approve the Ordinance Amending Section 78 of the County Code. Commissioner Jones seconded and the motion passed 3-0.

- **Zoning Amendment – Public Safety Communication Tower**

Jerry VeHaun, EMS Director, explained the request to amend the zoning for public safety towers. He said that there are towers throughout the county, and the FCC has mandated a re-banding process and the County's band width must be increased. This will require more public safety towers, all under 200 feet. Commissioner Jones wanted to make sure that any exemption was for government or public safety reasons only.

Debbie Truempy, explained the change to the zoning ordinance would exempt public safety communication towers from the ordinance and require that neighbors be notified of a tower placement. The Planning Board held a public hearing on February 21 and received no comment. They voted unanimously to approve the amendment as requested. She said that the request was consistent with the land use plan to provide vital services to assure public safety.

The Acting Chair opened the public hearing at 5:14 p.m.

Jerry Rice asked if private companies could put their antennas on the towers. He also asked what the financial impact would be in the future.

Jeff Turner asked if the County would be able to seize property.

Cheryl Wolfe made a statement about towers built long ago saying that prior to selling to private individuals public safety must be first.

Matt Enman questioned the purpose and detrimental effects of public safety tower.

The public hearing was closed at 5:19 p.m.

Debbie Truempy said that property would not be seized and the County would negotiate with willing land owners for towers.

Jerry VeHaun, EMS Director, said that the towers are for EMS Services, law enforcement and other safety frequency.

Commissioner Bailey moved to approve the statement of consistency of this request.

Commissioner Jones seconded and the motion passed 3-0.

Commissioner Jones moved to approve the zoning change as presented. Commissioner Bailey seconded and the motion passed 3-0.

NEW BUSINESS

- **Resolution Requesting NC Board of Transportation Name a Section of US Highway 70 “Highway of Heros”**

Janet Burgerat with the Swannanoa Business Association said that US Highway 70 is traveled by many veterans and local veterans groups who have come together to request a portion of be named “Highway of Heros”. They are requesting a resolution from the Board to go to the Board of Transportation. She said that the Vietnam memorial will be in Swannanoa in September and hopefully this naming can be finalized before that time.

Commissioner Jones moved to approve this resolution as presented. Commissioner Bailey seconded and the motion passed 3-0.

- **Resolution in Support of Human Service Consolidation**

Mandy Stone, Social Services Director/Assistant County Manager, gave a power point that is attached to the minutes. She said that the request would allow human services across county government to unite under one consolidated board—health, social services, workforce development, parks and recreation and animal services. Ms. Stone said that human services is the largest component of the county budget but county money is a very small part of that budget.

Acting Chair Peterson said that the County’s staff does a great job of leveraging county funds. She said that federally mandated programs are not under county control but the County is responsible for administering the programs. In 2005 the Board decided to allow common areas in these departments to be managed as one which resulted in private/public partnerships saving \$4.5 million.

Acting Chair Peterson thanked Ms. Stone for her work and for the work of her staff.

Commissioner Jones said that her support of this resolution does not equate to support of the next step and has lots of questions about reducing the scope and authority of the Board of Health

without more consideration. Ms. Stone said that this resolution only supports legislation that would allow the ability to move toward consolidation.

Acting Chair Peterson said that she supports this resolution and looks forward to continuing to work jointly with health and social services.

Commissioner Bailey moved to approve the resolution as presented. Commissioner Jones seconded and the motion passed 3-0.

- **Western Highlands Area Authority Fiscal Monitoring Report**

Donna Clark, Finance Director, said that she is required to make this report to the Board. Her report is attached to the minutes. She said that they have submitted a good report and are in good standing.

- **URTV Funding Report**

John Howell, Communication Consultant, gave a report that is attached to the minutes.

Acting Chair Peterson said that Mr. Howell was asked by the Board to review the facts on the PEG fees. *The Board allowed public comment on the topic.*

Dixie Barstall said she had a show on URTV and she wants to combine the three channels of public government and education.

Bob Horn, Vice President of WNC Community Media Center or URTV, *(was allowed 10 minutes because 8 people in attendance gave up their time for him)* gave a handout of community use since 2007. He presented several graphs showing use and value in dollars for the media center. He read from the contract and stated that they were not adequately funded. He said that they do not allow advertising because that would stifle public expression. He pointed out that they stream their video and radio broadcast and do live broadcasts.

Commissioner Jones asked that they become more self sustaining. She asked that a gap in revenues and expenditures be forged before more funds are supplied. She pointed out that everyone is having to learn how to be in a new world and would think it important to get away from government support and open up some additional opportunities.

Richard Pannera said that he was a former board member and members want to know how to sustain the future. He said that URTV wants money but had not worked or collaborated throughout the community. He wanted public access but did not want it funded by the government at this level. He said that they have been found in violation of open meeting laws and have many other problems.

Jonathan Czarny, Operations Manager for URTV, thanked the board for past support. He pointed out that URTV is the contractor managing public access for the county and he felt they were a national model and number one in NC.

Lisa Armada, Producer for URTV, said that other public television stations have funding of \$600,000 from the County and City. She said that this is the only outlet and that needs county and city funding to stay alive.

Vivian Diel, former board member, said that an audit was not performed and the management agreement was not followed. Revenue streams were not pursued.

Vivian McKinney said that public access is needed in the community and she hoped the Board would consider a way to help.

James Lattimore, producer for URTV felt that free speech was in trouble and this channel maintains free speech. He said that this is a town hall venue and is still free and is a model for the nation. He wants it to stay on the air.

Tosha Baxter thanked all the producers for their wonderful work on URTV. She felt that public access is needed and the station gives equality and opportunity to be heard. She wanted funding to allow it to stay on the air.

Dale Joyner, Board member at URTV, said that money was not misappropriated but URTV had not received funding that they should have received.

Troy Hornburger said that the channel was not being funded appropriately. He questioned the funding passed on to URTV.

John Blackwell was in total support of public access television and did not want it to be lost; however, he said their lack of funds was of no surprise. He was a former member of the Board that was removed along with their treasurer. He said that the channel was poorly managed. He hoped that the channel could continue with people who would work under the budget provided.

Beverly Williams, producer, said that a lot of people watch URTV and she hoped that the Board would review the figures. She wanted to keep doing her show but the equipment was not functioning and needed to be replaced.

Jeff Turner, producer, said he was confused with the numbers and he felt that BCTV had received too much money and it was not equal with URTV. He wants the money out of the general fund for the station and not human welfare.

Dr. Milton Burr said that this was an example of bureaucratic manipulation. Freedom of speech to offset commercial programming is mandatory.

Brianna Whitmire said that working at URTV she was the CEO of her own company and her own show. She invested in her show as a business woman who invested in her community. She said that she gave back to the community by working at URTV to make the show happen.

Steven Laurey producer at URTV likes the channel and felt the station was important as an educational avenue and a public voice for artists and individuals. He asked for support.

Steve Arshaw, producer at URTV said that this was a freedom of speech issue and the unusual programming on the channel attracted a wide variety of tourists. URTV is an extension of that atmosphere.

Matthew Howard, member of the Board of Directors for URTV, and a producer said that he feels the channel meant a lot to the community in opportunity. He got a better job by working at URTV. It was a springboard to help people and had value to the community.

Lisa Landis, producer at URTV, had tried to find sponsors for three years. She said that she had information that did not come from national media. She was homeless so she could continue to be a producer at URTV.

Jeffrey Gerald, producer at URTV said that the channel should exist from ethical principal and was needed by the people. It should continue to be financed by the government and was an essential part of the community.

David Ireland, producer at URTV, questioned whether or not Raleigh got the funds from the franchise and why other counties were not decreasing funding for their PEG channels.

Heidi Gore questioned which side people were on and she didn't understand.

Steve Holland producer at URTV said that this was a good time for the Board to review the funding and begin immediately to transition to other viable alternatives without additional funding. He suggested a PEG channel review task force with the City of Asheville that would gather info and develop a five year funding projection and consider a variety of options. He offered to help in any way.

Mark Sealey said that public access in Charlotte has more funding and larger facilities and less equipment and members. It produces less programming, no live streaming, no radio and it

has more money. He said that Ms. Garlinghouse has achieved more than any other public access station in the state.

Jerry Rice said that URTV should continue because they don't throw him out and he wants freedom of speech. He suggested putting the equipment at the Enka business incubator and let it be cultivated.

The Acting Chair said that this would all be taken into consideration for the budget.

BOARD APPOINTMENTS

Commissioner Jones moved to appoint **Rich Munger** to replace Angie Pittman on the **Homeless Advisory Committee**. Commissioner Bailey seconded and the motion passed 3-0.

Commissioner Jones moved to appoint **Cynthia Barcklow** to replace Robert Smith on the **Asheville Regional Housing Consortium**. Commissioner Bailey seconded and the motion passed 3-0.

Commissioner Jones moved to appoint **Pam Myers** to a second term on the **Downtown Commission**. Commissioner Bailey seconded and the motion passed 3-0.

Commissioner Bailey moved to appoint **Bill Biggers, John Dankel** and **Charles Sullivan** to the **Weaverville Board of Adjustment**. Commissioner Jones seconded and the motion passed 3-0.

Commissioner Bailey moved to appoint **Mary Kater** to the **Library Board of Trustees**. Commissioner Jones seconded and the motion passed 3-0.

Commissioner Bailey moved to appoint **Ellen Baker** to the **Nursing Home Community Advisory Committee**. Commissioner Jones seconded and the motion passed 3-0.

Commissioner Bailey moved to appoint **Stephen Frabitore** to the **Tourism Development Authority**. Commissioner Jones seconded and the motion passed 3-0.

Commissioner Bailey moved to appointed **Nan Chase** to the **Historic Resources Commission**. Commissioner Jones seconded and the motion passed 3-0.

ANNOUNCEMENTS

The Acting Chair made the following announcements:

- *The next meeting of the Board will be April 19, 2011.*
- *Commission meetings can be seen on BCTV Charter Cable Channel 2 on Tuesday and Thursday at 8 p.m.; Wednesday at 3 p.m. and Saturday and Sunday at 9 a.m. or online at buncombecounty.org*

PUBLIC COMMENT

Shirley Dosier questioned issues with her water bill and the city water department. *Her issues would be addressed by the County Manager.*

David King spoke about the bill that State Senator Moffitt had put forth in the house. He said that the bill would give more equal representative from the all sections of the county. He said that the city drives the elections and citizens want representation. He feels it will enable new people to run for office and he thanked Commission Jones for taking a position that reflects the working man.

Jerry Rice spoke regarding district elections stating that he had a video of the debate years ago. He asked for information that he said he did not have. *The Manager said that she had provided the information and would be happy to send it again.*

Commissioner Bailey moved to go into closed session pursuant to GS 143-318.11a(4) to consider one economic development issued. Commissioner Jones seconded and the motion passed 3-0.

CLOSED SESSION

Discussion was held regarding a possible economic development incentive for a new company consider location in the County. No action was taken.

Commissioner Bailey moved to return to open session. Commissioner Jones seconded and the motion passed 3-0.

Commissioner Bailey moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 3-0.

The meeting was adjourned at 7:55 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

CAROL PETERSON, ACTING CHAIR
BOARD OF COMMISSIONERS