

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MAY 15, 2012 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on May 15, 2012, 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
Bill Stanley, Vice Chairman,
Carol Peterson, Commissioner
Holly Jones, Commissioner

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

PLEDGE OF ALLEGIANCE

INVOCATION

Commissioner Bailey 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 1, 2012 Regular Meeting**
- **Resolution Authorizing Approval, Execution and Delivery of a Supplemental Indenture in connection with the Buncombe County Project Development Financing Bonds (Woodfin Downtown Development) Series 2008**
- **Approval of Audit Contract for FY 2013**
- **Release Report**
- **Resolution Granting the Chairman Authority to Deed Any Remaining Interests in the Properties Known as Municipal Golf Course, Recreation Park/WNC Nature Center, McCormick Field, South Pump Station and All County Owned Water Assets to the City of Asheville**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**
- **Budget Amendments**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Lake Julian)**
- **Resolution Authorizing the Submittal of the Funding Plan and Other Information Related to the Juvenile Crime Prevention Council Program For FY 2012 to the NC Department of Juvenile Justice and Delinquency Prevention Plan**

Commissioner Jones seconded and the motion passed 5-0.

PROCLAMATIONS

- **Older Americans' Month**

Vice Chairman Stanley read the proclamation and moved for its approval. Commissioner Peterson seconded and the motion passed 5-0. Vice Chairman Stanley presented the proclamation to Wendy Marsh with the Council on Aging.

PUBLIC HEARING

- **Amendment, Notice of Extension and Proposed Projects Refinancing**

Donna Clark, Finance Director reviewed the debt position of the County stating that 48 percent of the County's outstanding debt was for education which had a funding source. She reviewed the County's debt compared with nine other urban counties in the North Carolina. The comparison reflected the County's debt was lower than the average of the other nine urban counties.

The Chairman opened the public hearing at 4:43 p.m.

Don Yelton asked for a break out of the items that were being financed and questioned the assets and their values.

Lisa Landis asked why the new sales tax was not taking care of the Asheville Buncombe Technical Community College financing.

Jerry Rice asked for a lower tax rate and a revenue neutral budget.

The Chairman closed the public hearing at 4:49 p.m.

Vice Chairman Stanley moved to approve the ***Resolution Declaring the Intent of the County to Reimburse itself for Capital Expenditures Incurred in Connection with the Expansion of the County's Construction and Demolition Landfill, The Replacement of a Chiller at the Enka Campus of AB Tech and the Acquisition of Land and an Existing Building for Use at Administrative Offices for AB Tech from Proceeds of Certain Tax-exempt Obligations to be Executed and Delivered in Calendar Year 2012*** as presented. Commissioner Peterson seconded and the motion assed 5-0.

Commissioner Peterson moved to approve the ***Resolution and Notice of Extension to a Deed of Trust and Delivery Thereof and Providing for Certain Other Related Matters*** as submitted. Commissioner Jones seconded and the motion passed 5-0.

- **Wastepro Rate Increase Request**

Mike Frue, County Attorney, said that Wastepro, the County's franchised garbage hauler, had requested an 8 percent rate increase from \$14.20 to \$15.34 per month. Before the Board could consider the rate increase, a public hearing was required.

Bob Christy, representing WastePro, said that their diesel costs, insurance premiums and labor costs had gone up resulting in their request for an 8 percent increase.

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

Don Yelton suggested a fuel adjustment fee and reported that Wastepro was not taking the garbage to the County's landfill.

Lisa Landis questioned the purchase of new garbage trucks and their recycling services.

Joe Belcher suggested a surcharge instead of a rate increase if the request was just for profitability of the company.

Scott Welch, President of Consolidated Waste Services, said that Wastepro was not using the County's landfill.

Don Lillienfield said that he was not in favor of the increase or a new contract.

Jerry Rice suggested that Wastepro switch to a cleaner and cheaper fuel to save money

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

The Vice Chairman Stanley asked the staff to investigate and report at the next meeting.

Commissioner Jones seconded the motion and it passed 5-0.

NEW BUSINESS

- **Letter of Intent to Loan Mountain Housing \$2 Million for Eagle/Market Street Development**

Scott Dedman and Cindy Weeks with Mountain Housing Opportunities (MHO) were joined by members of the Eagle Street Market Development to request funding for a new development.

Darryl Hart with Eagle Market Street Development Corporation said they were partnering with MHO and the City and County to transform the area with the proposed 70 apartment, office and retail space development.

Cindy Weeks with MHO said the range for the unit costs would be from \$200 per month to \$780 per month. She said that the project would be competing with 142 other projects for State funding. The letter of endorsement will help them win the support and leverage an additional \$6 million through state tax credits.

Commissioner Jones spoke in favor of the project and the units set aside for veterans and moved to approve the project and letter of endorsement. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Aging Friendly Plan**

Linda Fields, Coordinator of the Friendly Aging Plan with the Land of Sky Council and the Council on Aging, reviewed the successes as a result of the 2008 aging plan. They are working on a new plan to address the growing and changing needs of the 53,000 citizens age 60 and older in the County.

- **County Sustainability Plan**

Jon Creighton, Assistant County Manager, said the plan, attached to the minutes, was written with the help of CDM Smith and included the recommendations of sixteen partners from across the County who met with the community to shape the plan.

Debbie Truempy, County Planner, reviewed the plan stating that it must be adopted by the Board before it is implemented. She reviewed the overall goals and how each one would be met.

Commissioner Peterson said that she was proud of the breadth and intent of each goal.

Vice Chairman Stanley named the 16 members who worked on the plan.

Commissioner Jones thanked the group for this new sustainability or strategic plan which could help communities understand how they can help.

Commissioner Bailey moved to adopt the sustainability plan. Commissioner Peterson seconded and the motion passed 4-0. (Vice Chairman Stanley was out of the room for this vote)

- **Budget Message**

Wanda Greene, County Manager, presented the 2013 County budget. She said that without raising the property tax rate, the budget covers all funding needs of the County's core services. She praised the workforce and their ability to be flexible and frugal. She said that the County does more with less staff and more technology. The County had taken advantage of the lower construction and interest costs over the last few years while keeping workers working in these industries. The budget message is attached to the minutes of this meeting.

The public hearing was set for June 5 at 4:30 p.m.

She thanked the finance staff for their work including Diane Price, Autumn Roberts and Sharon Stostich for their help with finalizing the budget.

Commissioner Peterson thanked the County Manager for her thorough presentation of the budget and projections.

Commissioner Jones requested that the Board consider reducing the waiting period for benefits for new employees from 6 months to 1 month; cap employee longevity benefits at \$3,000; reduce Commissioners' salaries to \$22,000 per year now or beginning with new board members in December of 2012.

BOARD APPOINTMENTS

Vice Chairman Stanley moved to reappoint **Bill McElrath** to the **Board of Health**. The motion passed 5-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be May 1 at 4:30 p.m.*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 2*
 - *AT&T U-Verse Channel 99*
 - *Live on buncombcounty.org during the meetings or*
 - *Online anytime at buncombcounty.org*

PUBLIC COMMENT

The Chairman reviewed the rules for public comment.

The official business of the County has concluded and we will now hold public comment.

- *The time limit for any comment to the Board is three minutes.*
- *If your time expires then you may leave any questions along with your name, address and phone number with the County Manager.*
- *Board members are not expected to comment on matters during public comment.*
- *Comments should be limited to subjects that are within the jurisdiction of this Commission or pertain to matters upon which it may act.*
- *Any individual speaking during public comment shall address the entire Board. Any polling of Board members is inappropriate.*
- *Persons addressing the Board are expected to observe the decorum of the Chamber, and to be respectful of everyone in the room.*
- *Any person who willfully interrupts, disturbs, or disrupts the session will be asked to leave the meeting.*
- *The Board reserves the right to deny public addresses on a subject previously presented to the Board.*

Shirley Dosier was opposed to the \$2 million for Mountain Housing and the Eagle Market Street Project and wanted the sheriff to investigate what had been done to her property.

Erin Penland talked about the CTS site and the contamination. He had a problem with CTS taking over the testing for EPA and wanted municipal water for all home owners around the CTS plant.

Don Yelton wanted to know the amount of the teacher supplement and \$150,000 for public access television. He wanted to know how much the Department of Motor Vehicles would charge for collecting the motor vehicle taxes. He said that someone on Hollywood Road had been getting bottled water since 2007 because of a contaminated well.

Lisa Landis talked about her false arrest and requested money for funding of public access television.

Jerry Rice said the budget message was presented correctly today but he did not like the comparisons made with other counties.

Tate McQueen spoke about the CTS site groundwater contamination problem and asked to be placed on the agenda.

Commissioner Bailey moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 5-0. The meeting was adjourned at 7:16 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS