

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 2, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 2, 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:

Chairman Gantt called the meeting to order with the following members present:

David Gantt, Chairman
Holly Jones, Commissioner
Carol Peterson, Commissioner
K. Ray Bailey, Commissioner
Bill Stanley, Vice Chairman

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

Commissioner Bailey asked for a moment of silence in honor of Capt Jeff Bowen who lost his life in the line of duty and for John Mark Crowe, MSD supervisor who died on the job.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Chairman 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. 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.

Vice Chairman Stanley moved to approve the consent agenda as presented

- **Approval of Minutes of June 21 Regular Meeting and June 28 Continued Meeting**
- **Approval of Minutes of July 26, 2011 Special Meeting**
- **Approval of Request for Waiver of Occupancy Tax Penalty of \$227,72 for Brookstone Lodge**
- **Road Petition: Dogwood Road**
- **Release Report**
- **Grants Project Ordinance**
- **Capital Projects Ordinance**
- **Resolution Accepting and Approving a Report From the County Purchasing Agent Concerning the Sale and Disposal of Surplus County Property**
- **Resolution Approving Pyrotechnic Experts or Firework Displays (Biltmore Estate)**

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

PUBLIC HEARINGS

- **Department of Transportation Secondary Road Improvement Program 2011-12**

Ed Greene, Division Maintenance Engineer with NC Department of Transportation said that the public hearing was in compliance with the General Statutes for issuance of annual road construction funds.

Chad Bandy, District Engineer, reviewed the construction program that is attached to the minutes.

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

Jerry Rice asked if there was a more economical way to present the information.

The hearing was closed at 4:45 p.m.

Commissioner Peterson moved to approve the resolution accepting the report. Commissioner Bailey seconded and the motion passed 5-0.

- **Rezoning Request – Richard Kubica**

Debbie Truempy, County Planner, said that Mr. Kubica applied for rezoning of two lots located on Old US Highway 70 from R-3 to NS. These lots are documented in the maps attached to the minutes. She said that the surrounding area is adjacent to NS and is consistent with the land use plan update. She said that the Planning Department found that this request for rezoning was in compliance with the land use plan. The Planning Board did receive one letter in opposition to the rezoning but no public comment was made at the hearing. The Planning Board found it was consistent with the plan and voted to approve the rezoning request.

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

No comments were taken and the Chairman closed the hearing at 4:50 p.m.

Commissioner Stanley moved to approve the rezoning as requested. Commissioner Peterson seconded the motion and it passed 5-0.

Approval of Enka High School Rooftop Lease—Solar Initiative

Mr. Tim Fierle, Facilities Director for Buncombe County Schools, said that the Board of Education had directed staff to find ways to save money and this initiative would have an immediate payback with no out of pocket funding. The Commissioners must approve the rooftop lease as it is for more than 10 years (20 years) and is considered a sale of property. He said that the solar initiative would allow a developer to install rooftop equipment for solar and electric power and the solar hot water would be pumped into the boilers at Enka High School.

Commissioner Bailey moved to approve the request. Commissioner Peterson seconded and the motion passed 5-0.

COUNTY MANAGERS REPORT

Jon Creighton, Assistant County Manager, said that he County had a solar energy program on the property at 30 Valley Street and that the county was considering the roof of the detention center for a new solar initiative. He reported on the status of sprinkler systems in the buildings that the County owns. He said that all renovated buildings have sprinkler systems including the courthouse renovations.

Wanda Greene, County Manager, gave an update on the removal of the CTS building. She said that Mills Gap Association is working with the county and bids should be in soon for the removal of the structure.

NEW BUSINESS

- **Annual Tax Settlement Report and Order to Collect**

Gary Roberts, Tax Administrator, gave his report that is attached to the minutes. He asked the Board to approve his settlement, insolvent report and charge him with the tax bills. Mr.

Roberts said that the county budgeted for a 98.5 collection rate. He urged anyone interested in a tax payment plan to contact his office.

Commissioner Peterson moved to approve the settlement report, insolvent report and charge the Tax Director with collection of the bills. Commissioner Jones seconded and the motion passed 5-0.

- **Community Child Protection Team Annual Report**

Tammy Shook, Community Child Protection Team Chair, gave a report on the work of the Child Protection Team who are charged with reviewing all child fatalities in the County. She said in 2010 there were 15 fatalities involving birth defects, sudden infant death syndrome, suicide, motor vehicle accidents and cancer. She reviewed the Committee's pro-active plans for addressing the issues surrounding child fatalities including sponsoring a forum on child to child sexual abuse.

- **Designation of Voting Delegate to the NCACC Annual Conference**

Commissioner Peterson moved to appoint Bill Stanley as the voting delegate to the NCACC Annual Conference in Cabarrus County. Commissioner Bailey seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Vice Chairman Stanley moved to reappoint **Capi Wampler** and **Joseph Carvey** to the **Historic Resources Commission** for their second term. Commissioner Jones seconded and the motion passed 5-0.

Commissioner Bailey moved to reappoint **Ron Morin** to the **Tourism Development Authority**. Commissioner Peterson seconded and the motion passed 5-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next meeting of the Board will be August 16, 2011 at 4:30 p.m.*
- *Members of the Board will attend the NCDOT designation of Highway of Heroes in Swannanoa on Friday, August 12 at 10 a.m. at 20 Patton Cove Road.*
- *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

Evelyn Souther asked if the Board of Education would purchase the used solar equipment at a discount when they purchase it at the end of the lease. She was concerned they would pay too much. *The Chairman said he would ask the County School representative to contact her with the details.*

Lisa Landis commented on fair practice of religion and the love of money. She talked about her history and asked why URTV was closed.

Chris Oates asked how he gets excess trash picked up.

Dr. Milton Byrd said that he had asked the City about the new media approach that is in RFP. He said that public participation the RFP is only 10 percent and he thinks this is going in the wrong direction. He wants to have a voice in the media approach.

Jerry Rice asked that the Commissioners reduce the tax rate for the citizens of the county because the housing market is terrible. .

Commissioner Bailey moved to go into closed session pursuant to NCGS 143-318.11a(3) for an attorney/client matter and (4) for one economic development with no action to be taken.

Commissioner Peterson seconded and the motion passed 5-0.

CLOSED SESSION

Discussion was held concerning a possible economic incentive to an existing employer bringing 12 new jobs and making a \$2 million investment. The Board gave consensus to pursue this incentive.

Discussion was held regarding the block wall on US 74. No action was taken.

Discussion was held regarding a matter of attorney-client privilege. No action was taken.

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

Vice Chairman Stanley moved to adjourn the meeting. Commissioner Bailey seconded and the motion passed 4-0.* The meeting was adjourned at 6:10 p.m.

**Commissioner Jones left the meeting prior to this vote.*

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS