

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 19, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 19, 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, was absent due to illness.

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 Jones gave the invocation.

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.

Commissioner Peterson moved to approve the consent agenda as presented.

- **Approval of Minutes of April 5, 2011 Regular Meeting**
- **Resolution Approving Pyrotechnic Experts for Fireworks Display (Lake Julian)**
- **Resolution Authorizing the Chairman to Execute a Non-Warranty Deed to the City of Asheville for Remaining Interest in Properties Known as Municipal Golf Course; Recreation Park/WNC Nature Center and McCormick Field MOVE**
- **Special Revenue Capital Project Ordinance**
- **Grant Projects Ordinance**
- **Budget Amendment: Fund 10 -- General Fund Register of Deeds (\$1,457,475); Social Services CIP funds (\$47,687)**
- **Release Report**

Commissioner Jones seconded the motion passed 4-0.

GOOD NEWS

- **NC3C Awards**

Kathy Hughes, Clerk to the Board and Public Relations Director, said that the Public Relations Team (Jeremy Twiggs, Anthony Perrone, Stacey Keith, Ben Atkins, Judy Rhew, Kathy Hughes and camera technicians Max Tainter and Michael Folliett) had won 8 North Carolina City/County

Communicators Association awards. The team won in categories including graphic design, video, television programming and special events.

- **BELA/Buncombe Green Award**

Michele Pugliese, Chair of the Environmental Advisory Committee (EAB), said that this award was a continuation of the Buncombe Green Award that the County began in 2010. The EAB accepted nominations for individuals and businesses that showed environmental leadership in the County. Ms. Pugliese introduced the following winners:

Green Opportunities received the Buncombe Environmental Leadership Award (BELA) as an outstanding business. Co-founders Dan LeRoy and Dwayne Barton accepted the award. Their award nomination is attached to the minutes.

Jay Stewart received the BELA award for his individual contribution to environmental leadership. His nomination is attached to the minutes. Mr. Stewart accepted his award and thanked the Board for the recognition.

PROCLAMATIONS

- **Older Americans Month**

Commissioner Jones moved for approval of this proclamation. Commissioner Bailey seconded and the motion passed 4-0. This proclamation will be presented during the Successful Aging Event on May 3.

- **Child Abuse Prevention Month**

Commissioner Bailey read the proclamation and moved for its approval. Commissioner Peterson seconded and the motion passed 4-0. Bill McGuire with Child Abuse Prevention said that it takes the whole community to work on this nationwide problem. He invited the Board to events for the month.

Tammy Shook, Child Protection Team, presented the Board with pinwheels to remind them that childhood should be a happy and that abuse can be prevented.

- **Social Work Appreciation Month**

Commissioner Peterson read the proclamation and moved for its approval. Commissioner Jones seconded and the motion passed 4-0. Commissioner Peterson presented the proclamation to Angie Pittman, County Social Work Supervisor.

Ms. Pittman said that child protective services are state mandated and her team works hard to balance the rights of families and protection. She said that families have fewer and fewer resources adding additional stresses on family members.

Tammy Shook gave examples of recent child abuse cases that social workers have had to face. Social Workers work with families in crisis and this impacts the workers and morale. Buncombe County has contracted with a therapist to deal with the secondary trauma that the workers face. Ms. Shook outlined how the County is supporting the Social Work staff in the difficult job they do as well as working on retention and recruitment of highly skilled workers and providing access to technical training.

PUBLIC HEARING

- **Zoning Ordinances Changes – Asphalt Plants**

Debbie Truempy, County Planner, said that the proposed changes to the zoning ordinance involved asphalt plants allowing their location in the employment district and setting standards to receive conditional use permits. She reviewed the requirements that will be changed in the ordinance stating that the Planning Board held a public hearing on March 7 and found that the proposed ordinance was consistent with the land use plan and voted unanimously to recommend approval of the amendments. Ms. Truempy explained how they determined the setback regulations and who they met with in drafting the new standards for asphalt plants. She said that there were no setbacks for residential properties only for vulnerable populations and 100 feet from a residential well. It was pointed out that the guidelines would be used by the Board of Adjustment for someone who wanted to develop an asphalt plant. The Planning Board's role was to set the policy and the Board of Adjustment would make the final decision.

The Chairman opened the public hearing at 5:22 p.m.

Jerry Rice expressed his concern that an appointed Board would make a decision that he felt should be made only by elected officials. He asked about portable asphalt plants and how they would be regulated. He was concerned about flooding in Candler and how that would impact wells around existing and potential asphalt plants.

Lisa Amadadas said living near a road increases cancer and adding an asphalt plant will increase the chances of cancer. She encouraged the County to make the regulations very restrictive.

Lisa Landis said that her husband once owned an asphalt plant and it would be smelly but asphalt would be cheaper. She was for more restrictive standards.

Jeff Turner felt there should be a greater distance requirement for residential wells. He was opposed to any asphalt plants

Craig Justice said that the Planning Board held numerous meetings on this topic and that the Board was unanimously in favor of approval and had done their homework. He said that any facility can be bad for a community; however, the standards proposed were minimal and the Board of Adjustment could heighten the standards.

Dan March, an Environmental Engineer who worked with permitting for asphalt plants, said that the air quality agency would review the testing for asphalt plants and that any facility that gets a permit must demonstrate that they can comply with the necessary limits. He was in favor of the ordinance changes.

The Chairman closed the hearing at 5:35 p.m.

Commissioner Peterson moved to approve the ordinance as presented. Commissioner Bailey seconded the motion.

Commissioner Jones said that she was in support of the ordinance; however she asked that notification to the public be closely adhered to and that each petition for a plant be reviewed very seriously. If more restrictions are necessary they should be considered.

Chairman Gantt said that there should be more protection for people who live near asphalt plants and more standards. He said that he did not support the changes because they were specific to one plant.

The motion passed 3-1 as follows:

AYES: Commissioners Bailey, Jones and Peterson

NOES: Chairman Gantt

- **Zoning Ordinance Changes – Administrative Changes**

Debbie Truempy, County Planner, reviewed the administrative changes to the zoning ordinance stating that they were mainly for clarification. The Planning Board held a public hearing and found that the changes were consistent with the land use plan and recommended unanimously that these changes be approved.

The Chairman opened the public hearing at 5:43 p.m.

No comments were taken.

The Chairman closed the public hearing at 5:44 p.m.

Commissioner Peterson moved to approve the resolution as presented. Commissioner Bailey seconded and the motion passed 4-0.

NEW BUSINESS

- **Buncombe County Animal Coalition Report**

Katherine Shinar, President of Asheville Humane Society, gave a power point that is attached to the minutes of this meeting. She pointed out the decrease in the number of animals taken into the shelter in the last 10 years crediting the County's spay neuter ordinance, the goal of zero euthanizations and the international training center for spay and neuter located in the County.

She thanked the County for the allocation of \$100,000 to allow for the spay or neuter of every animal adopted out of the shelter. The Chairman thanked the coalition for their work.

Commissioner Peterson recounted a recent wonderful experience at the animal adoption facility. She said the choice of animal was wonderful due in large part to the work of the animal coalition.

Commissioner Jones asked how much money had been saved by reducing the number of animals that the County had to put down. Mandy Stone, Assistant County Manager, said that the money allocated for spay and neuter was reallocated dollars for this purpose.

- **Requested Funding For Conservation Easements**

Debbie Truempy, County Planner, gave a power point outlining the requests. The presentation is attached to the minutes of the meeting. She said that the request included nine properties protecting 1,638 acres at a cost of \$1,226,155. Members of the Land Conservation Advisory Board, Agriculture Advisory Board, Southern Highland Conservation were present.

Carl Silverstein with Southern Appalachian Conservancy and Karen Roe with Carolina Mountain Land Conservancy spoke in favor of these conservation easement and their economic benefits.

Bob Gale with NC Alliance thanked the Board for their past support for conservation of plant and animal life.

Nancy Nelson, member of the Land Conservation Advisory Board, asked that these be approved to conserve the beauty of this area.

Commissioner Peterson said that she had looked at these requests and there were some funds possibly available for the conservations.

Donna Clark, Finance Director said that there are budget funds for principal and interest savings that could be used to fund the projects. The public facility training center will not be ready and funding had been included in the budget.

Commissioner Peterson moved to fund these projects as outlined and to approve a budget amendment to move the debt service funds as outlined by the Finance Director. Commissioner Jones seconded the motion and it passed 4-0.

- **Resolution Authorizing the Approval, Execution and Delivery of a Supplemental Indenture in Connection with Project Development Financing Bonds (Woodfin Downtown Corridor Development) Series 2008**

Donna Clark, Finance Director, recognized Curt Boone, CEO of Reynolds Mountain Partners. She reviewed the project and the action that had taken place since 2008. She gave a power point attached to the minutes. She explained that the interest earnings had been much less than anticipated. Mr. Boone had requested an amendment to the indenture to borrow \$240,000 before August 2011. The money would be paid back by March 31, 2012 to the fund. It was pointed out that the county would be a lien holder if the development defaults on the loan.

Kurt Boone, CEO of Reynolds Mountain partners, said that they have a one- time issue with the gap in funding needed. He reviewed some of their current partners including AVL Technologies and the development of apartments on the site that will rent below market average.

Commissioner Bailey moved to approve the requested as presented. Commissioner Jones seconded and the motion passed 4-0.

BOARD APPOINTMENTS

The Chairman announced the current vacancies as follow:

- *Montreat Planning & Zoning (1 vacancy)*
- *Montreat Board of Adjustment (1 vacancy)*
- *Planning Board (Reynolds District)*
- *Historic Resources Commission (1 vacancy)*

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next meeting of the Board will be May 3, 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

Jerry Rice gave a handout regarding a deserted mobile home and requested that zoning coincide with junk yard ordinance. He wants people to be able to put a mobile home back on their property. He wants these two ordinances to match.

Peggy Bennett gave the Board a copy of the newspaper advertisement of all delinquent tax payers in the County. She spoke against the Commissioners' car allowance and was opposed to their continuing to receive the funds. She wanted the Commissioners to cut back on their travel and devote more time to important matters like adhering to mileage laws. She expressed her support for district elections.

Brother Christopher, a producer at URTV and he felt URTV was the best public access channel in the state. He wanted the County to support the channel with funding. He spoke out against people who were against URTV.

James Lattimore spoke in favor of URTV and the continuation of their programming.

Kasha Baxter spoke in favor of URTV and wanted funding to keep the channel open.

Clair Hanrahan a producer from URTV asked why funds were being withheld. She demanded to be heard and funded.

Rachel Bliss felt URTV was an equal time, free speech channel. She wanted money to keep this channel open. She felt that if URTV were gone it would be a slap in the face of democracy and it should be funded.

Jeff Turner, a producer at URTV, said that there are funds available and the county is stealing the money. He wanted this channel to be funded and submitted a petition of the names of citizens that watch the channel. He wanted \$208,000 that the County owes the channel.

Lisa Amadamis submitted a petition regarding of PEG funds. She said that the funds must be proportionately distributed and that the channel cannot operate on the small amount of funding being paid. She has a petition from producers and citizens to have Heath Shuler to investigate the misappropriation of funds.

Pete Shope said that the consultant missed the fact that there is a clause he quoted regarding PEG funds and revenues in 2006/07. He said that URTV must receive funds at the same rate as education and government channel. He said that perhaps he was wrong but asked the Chairman and County Attorney to look into this question.

Dale Joyner, Board member of URTV, asked Chairman Gantt to get to the bottom of the funding. They want the same amount of funding as BCTV.

Shirley Dosier commented on her residence and on a tax lot bid from 1997.

David King commented on the district commission issue. He said that his concern is about protecting county residents. He wanted commissioners from the neighborhoods. He does not want the City of Asheville in the county.

Gail Rogers spoke about barking dogs that were tethered on property next door to her house. She wants the barking to stop.

Jeff Christopharo has a show at URTV and radio show and was a student at UNCA. He said that URTV provides internships and helped him refine his skills. He wants URTV to be funded so students can get experience.

Connie Bailey said she volunteers her time and wants URTV to continue.

David Ireland asked why Buncombe was the only channel that was reducing their funding of its public access channel. He said that other counties are funding their channels at the same or increased levels.

Bob Horn, Vice President of the URTV Board, said that the WNC Media Center (URTV) would not be closing because they are looking at legal and financial issues. He requested that the County release the PEG funds owed to avoid legal action.

Bob City appointed member of the WNC Media Center (URTV board of directors), said that they have been audited and they deserve the funding.

Debra Williams said that URTV is not financially irresponsible and the American government is corrupt because their free speech is being defunded. She wants URTV funded. She said that You Tube would not replace URTV

Dr. Milton Byrd gave out the last audit from URTV. He said that he is one of 60 independent producers and he requested the name and address of the county's agent of service and insurance carrier for errors and omissions.

Chris Oaks spoke in favor of URTV having the chance to share Christ with the world. He said that local churches should continue to have the ability to continue sharing.

Lisa Landis, the glow lady, spoke in favor of keeping the channel running. She was in favor of a legal action against the County. .

Mike Staie, said that the news media was bias and he wanted URTV funded.

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

CLOSED SESSION

Discussion was held regarding a potential economic development incentive for a company that would locate in the county. The Company would bring 360 jobs and were searching for a location. The Board agreed by consensus to have the County Manager continue working to bring this company to the County.

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

Commissioner Bailey moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 4-0.

The meeting was adjourned at 8:25 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

CAROL PETERSON, ACTING CHAIR
BOARD OF COMMISSIONERS