

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF FEBRUARY 15, 2011 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on February 15, 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:

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

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

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**

Chairman Gantt 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.*

*The Chairman addressed the item "Change in Commission Car and Technology Allowance" listed under consent agenda stating that he had talked with each Commissioner and they were in agreement with this recommendation made by the County Manager.*

Vice Chairman Stanley moved to approve the consent agenda as presented.

- **Approval of Minutes of February 1, 2011 Regular Meeting**
- **Change in Commission Car and Technology Allowance**
- **Resolution Approving Pyrotechnic Experts for Firework Display**
- **Assessment of Civil Penalty-Watershed Ordinance Violation**
- **Approval of Personnel Policy Amendments**
  - **Suspension of Article 3, Section 16 of the Personnel Ordinance**
- **Approval of Buncombe County Schools Long Range Facility Needs Survey**
- **Approval of Asheville City Schools Long Range Facility Needs Survey**
- **Capital Projects Ordinance**
- **Budget Amendment:**
  - **Fund 10—**
    - **Health (Breastfeeding grant \$6,017)**
    - **Health (Family Planning \$7,514)**
    - **Health (H1N1 \$80,000)**
    - **Soil & Water Conservation (Friends of Agriculture \$500)**

- **Release Report**

Commissioner Peterson seconded and the motion passed 5-0.

## **GOOD NEWS**

- **Congratulations to Gibbie Harris, Health Director of the Year**

Commissioner Peterson, member of the Board of Health, introduced Gibbie Harris, the Health Director who was recently named by the NC Association of Health Directors, as the Health Director of the year. Commissioner Peterson expressed how proud the Board was of the job that Ms. Harris was doing.

Ms. Harris said that the recognition was an honor and the result of a team effort. She thanked her staff, the Board of Health members and County management for their help and the Commissioners for the opportunity to perform the job.

## **COUNTY MANAGER'S REPORT**

Wanda Greene, County Manager, said that the personnel ordinance contains a provision that would provide a salary increase to County employees based on the Consumer Price Index (CPI). The increase this year would be 1.5 percent and would cost over \$1,000,000. She requested that the Board suspend the increase for this year. The Manager said that all departments had been asked to reduce their budgets by 10 percent. She addressed compensation to all departments stating that most managers do more than one job. She presented a list of department compensation that is attached to the minutes and compared the costs of County government in Buncombe with the costs of other comparable counties. She said that she will be asking for a third party review of the County's compensation plan and will bring that back to the Board as part of the budget.

## **NEW BUSINESS**

- **Pack Square Park Update**

Gary Giniat with Pack Square Park updated that the Board on the Conservancy's plans for the park pavilion that will begin construction in the spring. The building will be 1,300 square foot building totally paid for through a grant from the Tourism Development Authority. The facility will provide rest rooms and a visitor's center on site in the park. This new design has been approved by City Planning and Zoning and the Downtown Commission.

Charles Krekelburg, Architect for the pavilion, gave an overview of the construction that is attached to the minutes. The bathrooms will be operated by Asheville Parks and Recreation and all facilities will be handicapped accessible. *(The Chairman allowed public comment on this topic)*

Eric Penland asked how much it would cost to operate each year and who would secure the building. Mr Giniat said that the Asheville Police will have a presence in the area and that the Pack Square Conservancy and City Parks and Recreation will fund the project.

Fred English wanted to know where the money to fund the construction was coming from. Gary Giniat said that the funding was provided by the Tourism Development Authority from hotel sales tax.

Walter Plaue questioned the operating hours of the facility and security. Mr. Giniat said that the City would handle security.

Dixie Barstall asked why the 1,300 square foot building cost \$500,000. Mr. Giniat said that the costs included landscaping, construction, installation of sidewalks, architecture and design.

Chad Nesbitt asked if the job was bid and what would happen when the hippies take a bath in the restrooms. Mr. Giniat said that there was an agreement with Beverly Grant to construct the original structure (which had been delayed) and that agreement was being honored.

Jerry Rice suggested an alarm inside the bathrooms in case of problems.

Don Yelton suggested a redesign of the rinse off area opening everything to the outside.

Mr. Krekelburg said that the building was designed for future application of a solar panel system which would be considered at a later date.

Bill Lack commented on the cost of the Pack Square Park.

Zeb Turner asked if the building would produce income and said he was opposed to the construction of the building because it was not needed.

Commissioner Peterson moved to approve the changes to the original construction plan. Commissioner Jones seconded the motion and asked that the security concerns be passed on to the Pack Square Conservancy Board. The motion passed 5-0.

- **Adult Care Home Task Force Report**

Mandy Stone, Assistant County Manager, said that there is an impact on the community when residents from outside Buncombe County are placed into our adult care homes. At the request of Buncombe County, the state formed a task force to investigate and address this issue and the impact it has on our communities.

Cathie Beatie, County Social Worker, presented the report that is a part of the minutes.

Commissioner Peterson thanked the staff for their work in bringing this issue forward and taking action to get it addressed. She moved to approve a letter to the legislative delegation in support of the recommendations included in the report.

Commissioner Stanley seconded and the motion passed 5-0.

- **Western Highlands Medicaid Waiver**

Mandy Stone, Assistant County Manager, said that Senator Nesbitt from Buncombe County had co-chaired a committee that resulted in the Medicaid 1915(b)(c) waiver. She said that the different aspects of the waiver and their impact on the community had been reviewed by the County and several consumer groups.

Dr. Pitts, member of the National Alliance of Mental Health (NAMI), said that as someone who had a family member with mental illness and a community volunteer, he would speak in favor of the waiver implementation and its ability to lessen the restrictions on funding through Western Highlands Network. He said that NAMI is also in favor because the waiver will assist people at the local level.

Curtis Venable, explained the waiver in a power point that is attached to the minutes. He said that it would save money and allow more services to be rendered.

Arthur Carder, Western Highlands Network Director, said that the waiver would return the oversight to local control and accountability. He presented information in a power point that is attached to the minutes stating that this would address the needs and return fiscal responsibility to the community.

Charlie Shonheight also spoke in favor of the consumer benefits of the waiver. Mr Carder asked the Board to endorse the waiver with no additional funding. He felt this was the best way to move forward for providing care.

Ms. Stone said that the risks for Counties are in the possible failure of the Local Management Entity. She said that the County's resolution, attached to the minutes, addresses the risk. She recommended that the Board allow time for additional examination and consideration and hold any action on the waiver until their March 1 meeting.

The Board agreed by consensus to hold action until March 1.

*(The Board allowed public comment on this topic)*

Fred English said that Medicare and Medicaid are fraudulent and anyone who gets these funds should be working at minimum wage for what they draw if they are physically able. He felt it was a rip off.

Jerry Rice said he had attended the meetings since 1997. He said there were many people outside Buncombe County in need of mental health and the waiver should focus on that need. He was concerned with the way Mission was involved in the region.

David King thanked the Board for postponing the vote on this issue. He felt that mental health provision should be run like a business with no expansion of another entitlement program.

Nancy Baker said that her committee is involved with the waiver and she wanted to see counties bring the funds back to their own counties.

## **BOARD APPOINTMENTS**

Vice Chairman Stanley, Commissioner Peterson, Chairman Gantt nominated Max Queen and Stephen Cole to serve on the Civic Center Commission. Commissioners Jones and Bailey nominated Max Queen and Elizabeth Franks to serve on the **Civic Center Commission**. By majority vote, **Max Queen** and **Stephen Cole** were appointed to serve until June 2013.

Vice Chairman Stanley moved to reappoint **Karen Donatelli, Mark Morris, Kendall Wright, John Menkes** and **Norman Riddle** to the **Board of Equalization and Review**. The motion passed 5-0.

Commissioner Peterson moved to appoint **Ken Brown** to serve on **the Adult Care Home Community Advisory Committee**. The motion passed 5-0.

Commissioner Bailey moved to appoint **Jennifer Kiger** to the **Nursing Home Community Advisory Board**. The motion passed 5-0.

## **ANNOUNCEMENTS**

*The Chairman made the following announcements:*

- *The next meeting of the Board will be March 1, 2011.*

## **PUBLIC COMMENT**

Dixie Barstall said she was appalled at the compensation of the Board. She requested their resignations.

Hope Herrick said that she voted against zoning and the Board implemented it anyway and she felt this was dictatorship.

Mike Fryar (*allowed 10 minutes to speak with 8 people in the audience*) said that the Commissioners' compensation was too much and the cut they took was not enough. He spoke about an anonymous letter and his investigation of raises given to Sheriff's Office employees. He complained about the raises and the way that they were given and requested that every County employee making over \$75,000 be cut by 5 percent. He criticized the increases in the Sheriff department and the mileage that was spent by that department. He said that he had no respect for the Board and promised to keep looking at what was going on in the county.

Sheriff Duncan said that employee pay in his office had been adjusted as compared to like size counties. The pay for the three Major positions was low in comparison to other counties. He acknowledged that this was not a great time to do make the increases; however he said that the Sheriff's Office had not laid off anyone but had eliminated positions by attrition in anticipation

of the 2012 budget. The pay was found in the elimination of a position and the funds were divided into these positions.

Jerry Rice questioned by Buncombe County was not compared with Counties of similar population.

Peggy Bennett said that she and the Citizens for Change organization were not happy with the travel and technology allowances given to the Board members and wanted the Commissioners to be paid for their actual miles traveled.

David King said he wanted more done for the taxpayer and specifically an end to annexation and the threat of annexation.

Fred Turner said that he was speaking for URTV and he gave out a hand written report that is attached to the minutes. He felt the station had a worth and wanted to have the people vote on keeping it open.

Lisa Landis, producer with URTV said that she revealed prophesy on her television show on URTV and wanted the County to fund URTV.

Erin Penland said that he had come to the Board meetings for three years and wanted to know about the plans for the CTS building.

Robert Johnson thanked the Board for their work but wanted to see a better plan to save money.

Dr. Milton Byrd said that the Board needed to communicate trust to the people and improve their problem solving and leadership skills.

Erik Penland was outraged at the remarks made by the Commissioners in regard to their travel and technology supplements. He felt it would be better to spend taxpayer dollars on water run to the CTS community.

Chad Nesbitt, said he was speaking on behalf of the Republican Party as Chairman of the party. He criticized the amount of the County Manager's salary stating that by population the manager should only make \$75,000. He was not in favor of having a third party review the compensation plan for the County and that Bill Stanley should resign as a commissioner.

Fred Hornberger member of the URTV said that PEG funds should be distributed in a completely different way and he requested a budget for BCTV and PEG funding.

Commissioner Stanley said that in he was in his 23<sup>rd</sup> year on the Board and found it amazing that the salary of the Board was never an issue when there was a republican on the board.

Commissioner Bailey moved to go into closed session pursuant to GS 143.318-11a (4) for a possible economic development incentive and (3) for discussion of a legal matter known as White VS BC Sheriff. Commissioner Peterson seconded and the motion passed 5-0.

### **Closed Session**

Discussion was held regarding a legal matter involving a possible settlement in the case of a former deputy sheriff and inmate. The Board gave consensus to settle the matter.

Discussion was held regarding a possible economic development incentive for an existing business that would bring 24 new employees now and possibly 80 additional jobs over 5 years. The Board gave consensus to offer an incentive of up to \$100,000.

Vice Chairman Stanley moved to return to open session. Commissioner Peterson seconded and the motion passed 5-0.

Commissioner Peterson moved to adjourn the meeting. Commissioner Bailey seconded and the motion passed 5-0.

The meeting was adjourned at 8 p.m.

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KATHY HUGHES, CLERK TO  
THE BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS